

Special Master's Recommended Plan for the North Carolina Senate and House of Representatives

The Court's November 1st Order and the Role of the Special Master

Directed to solve two legal problems:

1. 14th Amendment (*Shaw v. Reno*) violation in 2017 Senate Districts 21 and 28 and 2017 House Districts 21 and 57.
2. State constitutional violation in Mecklenburg and Wake Counties related to redistricting more than once a decade.

Identified Legal Violations in Court Order

“Among other concerns, some or all of the proposed remedial districts preserve the core shape of the unconstitutional version of the district, divide counties and municipalities along racial lines, and are less compact than their benchmark version. In some cases, the General Assembly’s use of incumbency and political data in drawing its proposed remedial districts embedded, incorporated, and perpetuated the impermissible use of race that rendered unconstitutional the 2011 districts.”

*** * ***

“The Court further has serious concerns that the 2017 redrawing of 2011 Enacted House Districts 36, 37, 40, and 41 in Wake County and House District 105 in Mecklenburg County exceeded the authorization to redistrict provided in the Court’s previous orders.”

November 1 Order at 2.

Principles Guiding the Plan

- Constitutional

- One person, one vote.
- *Shaw v. Reno* and its progeny.
- North Carolina Constitution's Whole County provision.

- Court-Ordered:

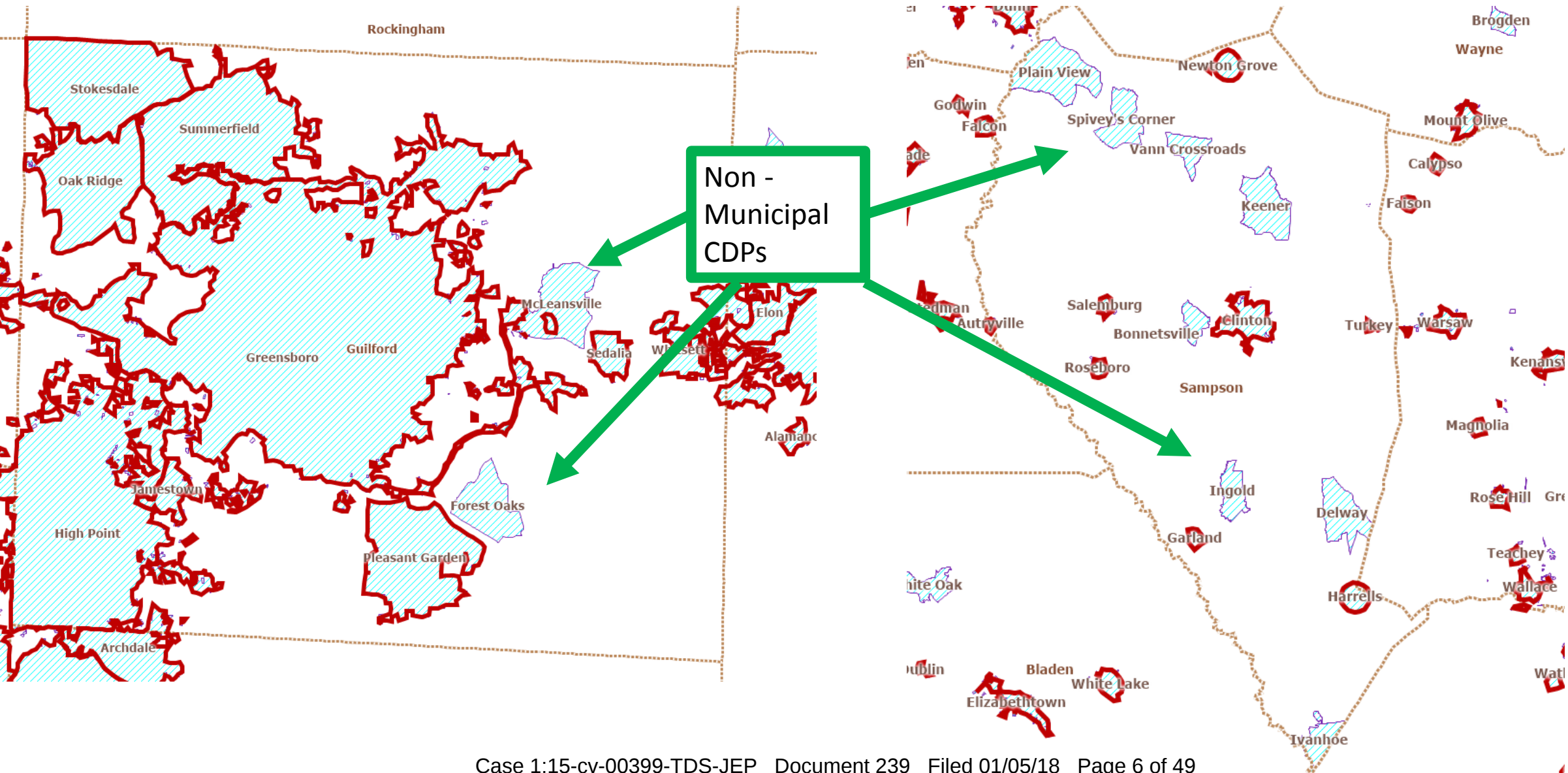
- Only redraw districts adjoining "Subject" districts.
- Adhere to the county groupings of the 2017 plan.
- "Make reasonable efforts to follow state policy objectives":
 - **Keep precincts whole** -- Split fewer precincts than the 2011 Enacted Districts.
 - **Compactness** – Draw districts that are more compact than the 2011 Enacted Districts, using as a guide the minimum *Reock* ("dispersion") and *Polsby-Popper* ("perimeter") scores.
 - Consider **municipal boundaries** and **precinct lines**.
- Prohibited
 - Consideration of election results.
 - Incumbency beyond unpairing after the fact.

Respecting Municipal Boundaries

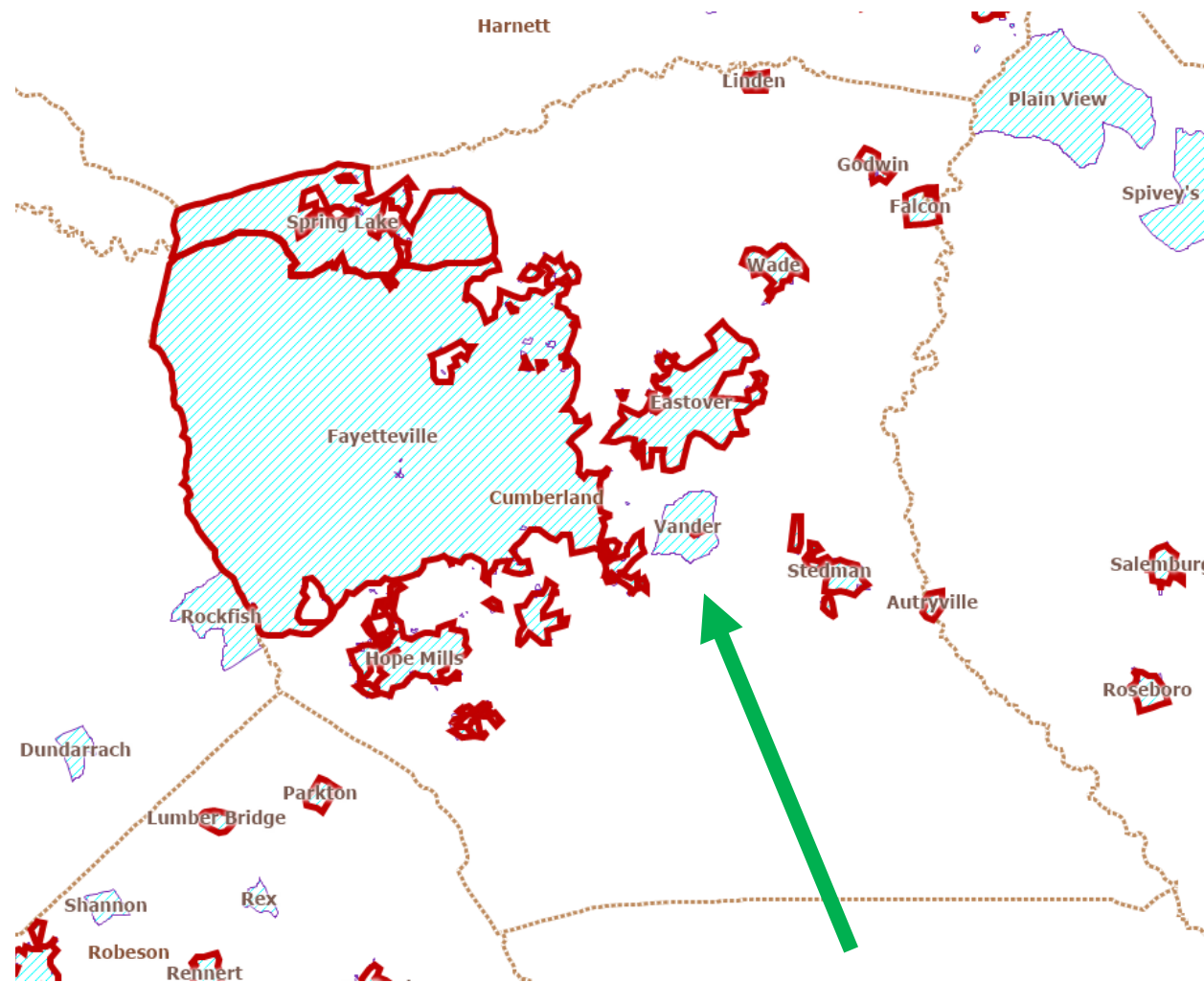
- Court Order recommends that Special Master's Plan "consider municipal boundaries and precinct lines."
- CDPs v. Municipalities
 - The Census Designated Place file include cities, towns, villages, as well as other census designated areas.
 - Recommended Plan reported all splits; splits solely of municipalities reveal the same patterns.
 - The only Municipalities/CDPs of consequence for the Recommended Plan are also municipalities – no district boundaries were drawn to respect non-municipal CDPs.
 - Report notes impact of municipal boundaries on Recommended House and Senate plan for Greensboro districts and Recommended House District 22 (respecting boundaries of Clinton).

Guilford County CDPs and Municipalities

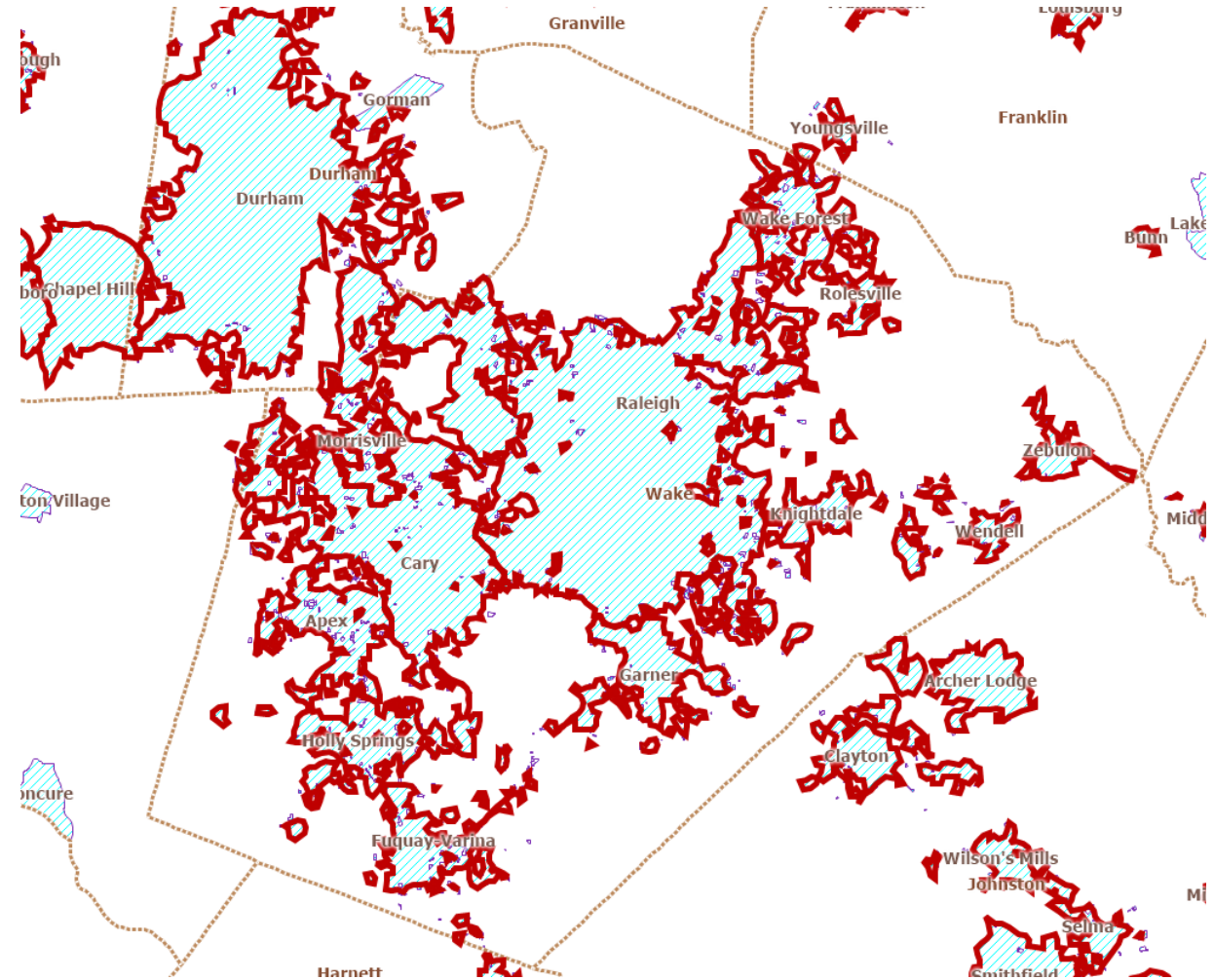
Sampson County CDPs and Municipalities



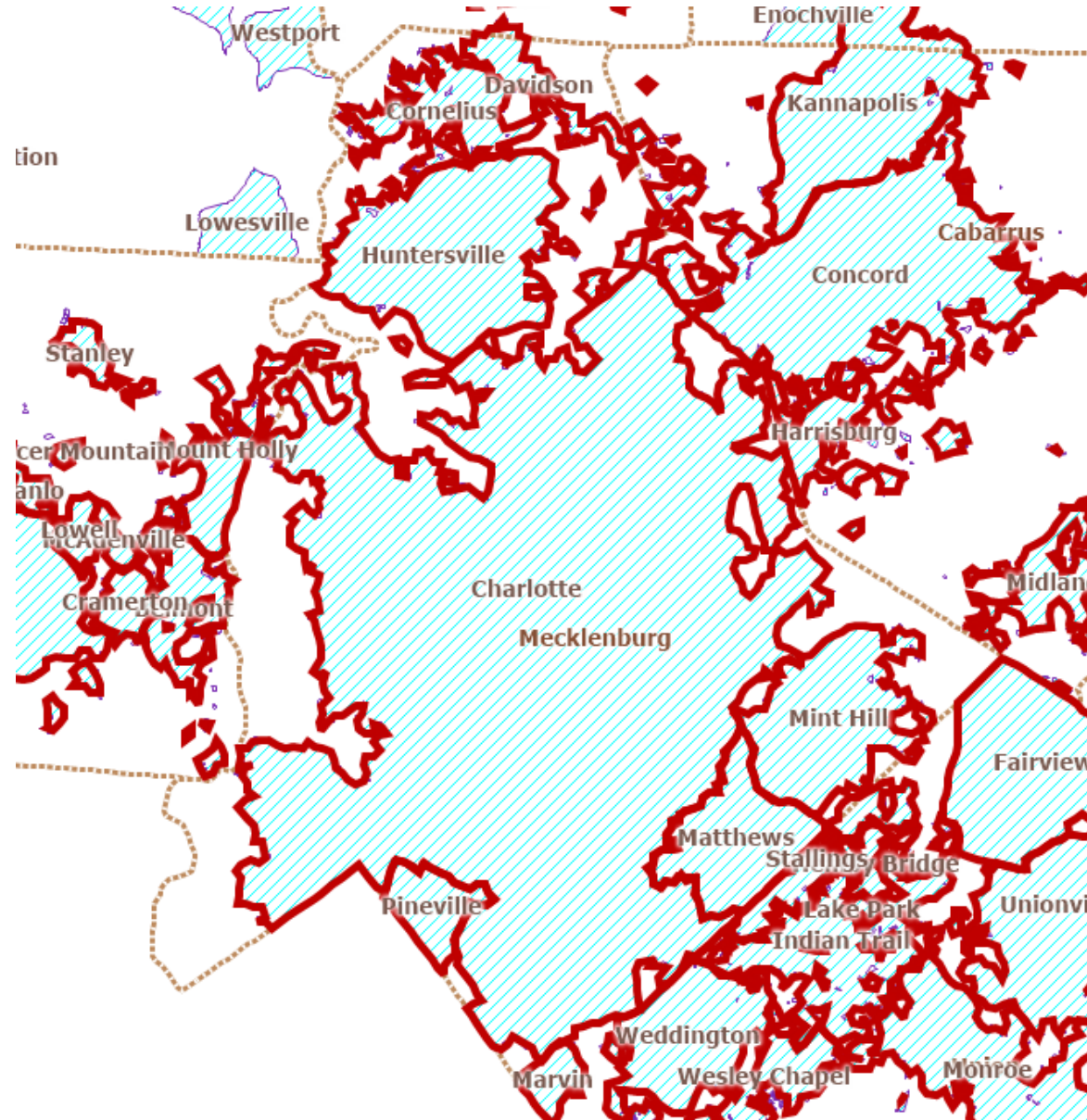
Cumberland County CDPs and Municipalities



Wake County CDPs and Municipalities



Mecklenburg County CDPs and Municipalities



Compactness

Court's November 1st Order at 7:

“Draw districts that are more compact than the 2011 Enacted Districts, using as a guide the minimum Reock (“dispersion”) and Polsby-Popper (“perimeter”) scores identified by Richard Pildes & Richard Neimi, *Expressive Harms, “Bizarre Districts,” and Voting Rights: Evaluating Election-District Appearances After Shaw v. Reno*, 92 Mich. L. Rev. 483 (1993).”

Where the Court's Compactness Measures Come From...

“Compactness: The Committees shall make reasonable efforts to draw legislative districts... that improve the compactness of the current districts. In doing so, the committees may use as a guide the minimum Reock (“dispersion”) and Polsby-Popper (“perimeter”) scores identified by Richard H. Pildes and Richard G. Neimi in *Expressive Harms, “Bizarre Districts,” and Voting Rights: Evaluating Election-District Appearances After Shaw v Reno*, 92 Mich.L.Rev. 482 (1993).” The Joint Committee adopted this criterion . . .

When asked by members of the Democratic Party why these two methods, Representative Lewis pointed out that “these are the two best-known....best understood...two that the courts have referred to.”

- ECF Doc 192 at page 8-9

Overview of 2017 Enacted Districts and Plaintiffs' Proposed Plan

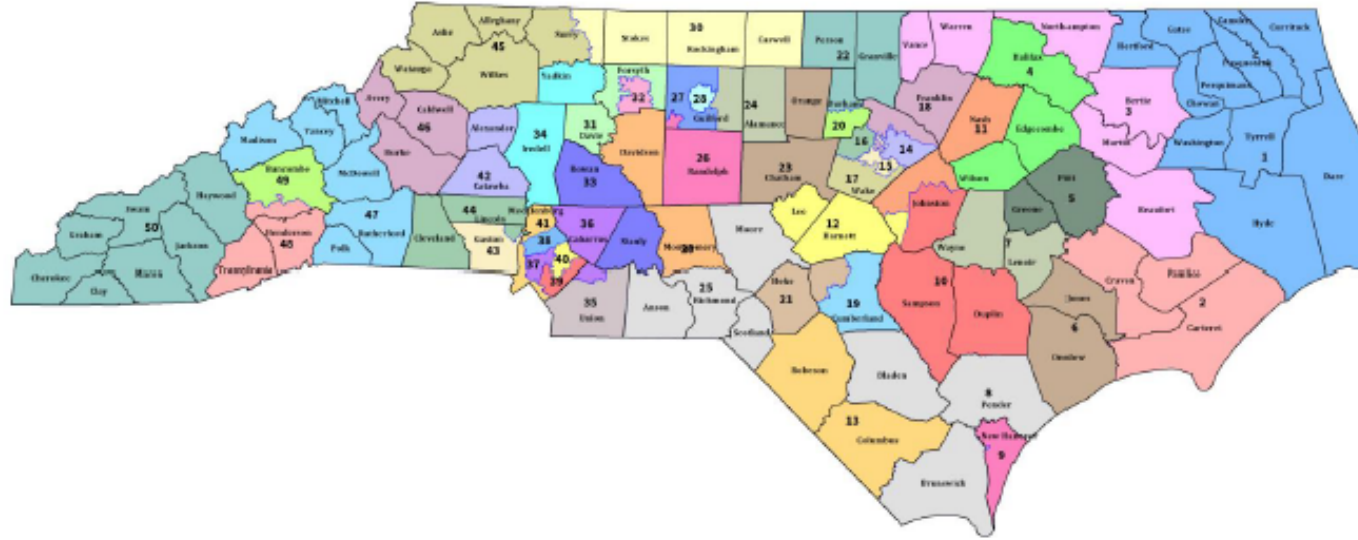
- **2017 Enacted Districts**

- Court Order identified districts as racial gerrymanders.
- “Subject Districts” did, in fact, closely track African American populations and exclude white populations in certain areas.
- However, Special Master did not make independent legal findings related to the districts (apart from those contained in the Court order).

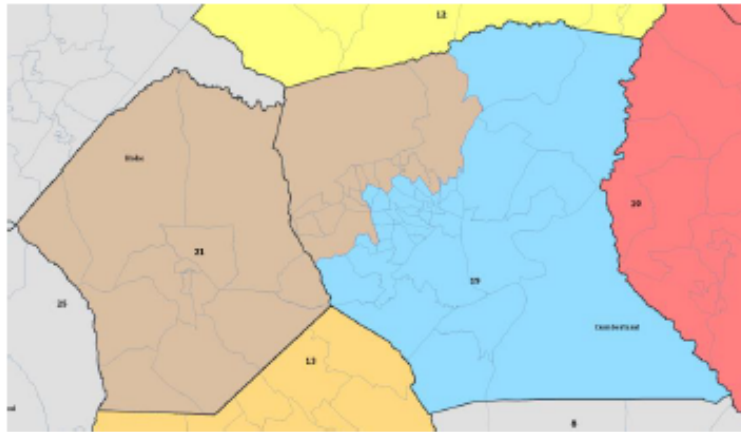
- **Plaintiffs Proposed Plan**

- Court expressed concern that Plaintiffs' plan was tainted by political motivation.
- Went beyond Court's requirement that only districts adjoining Subject Districts be redrawn.
- A plan could be drawn with
 - More compact districts
 - Greater adherence to municipal lines

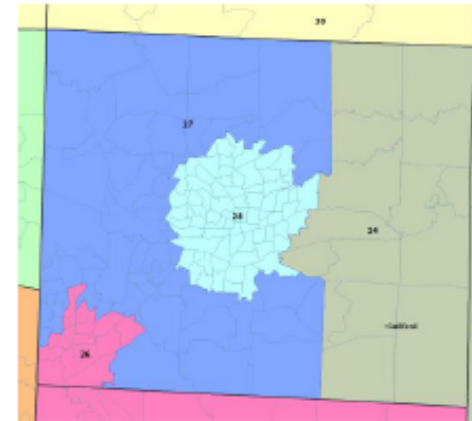
North Carolina Senate Special Master's Recommended Plan



Cumberland and Hoke Counties

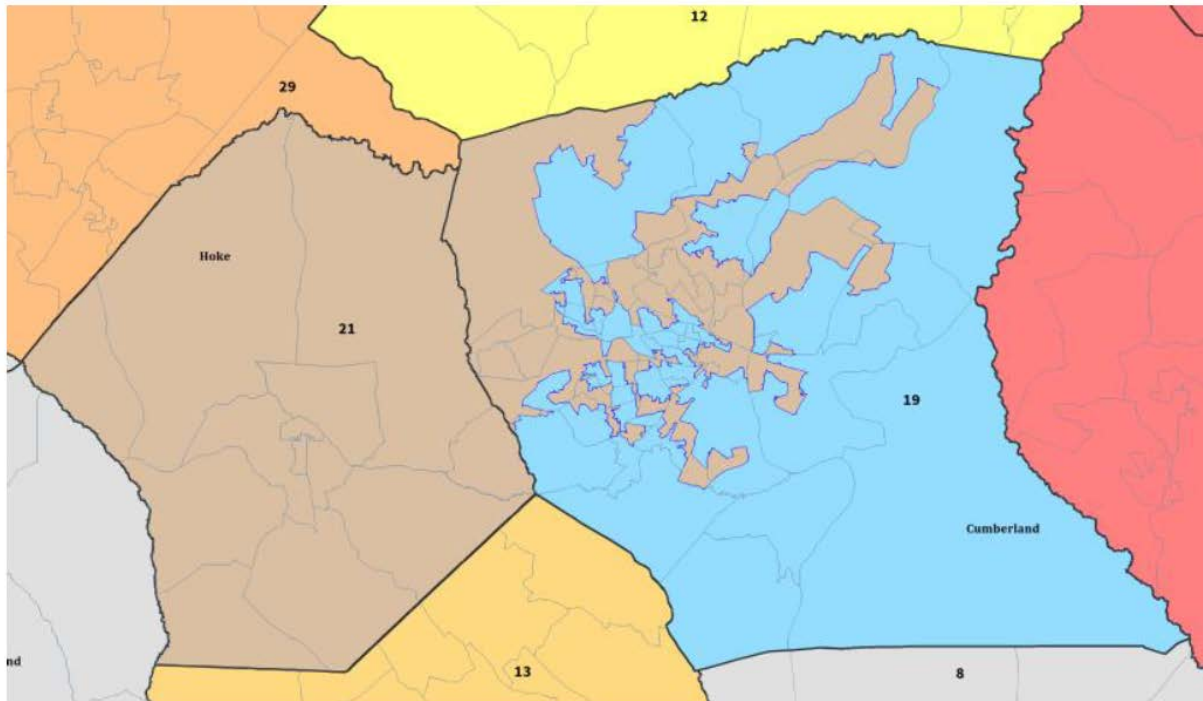


Guilford County

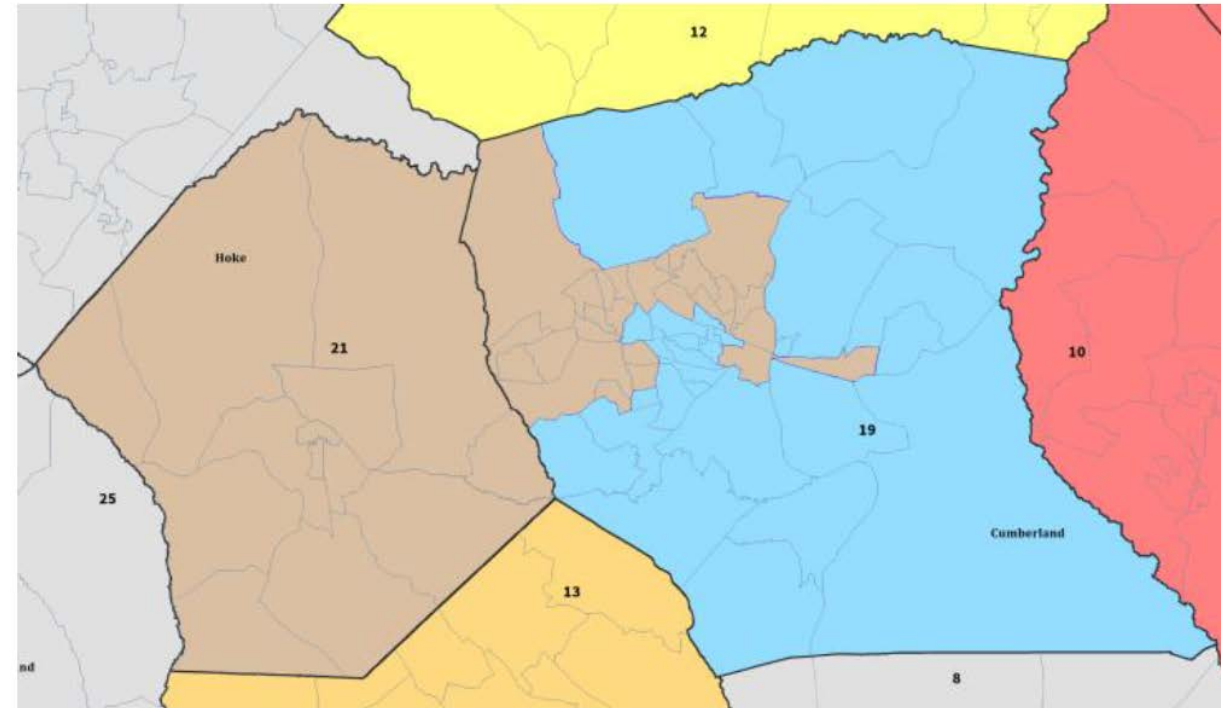


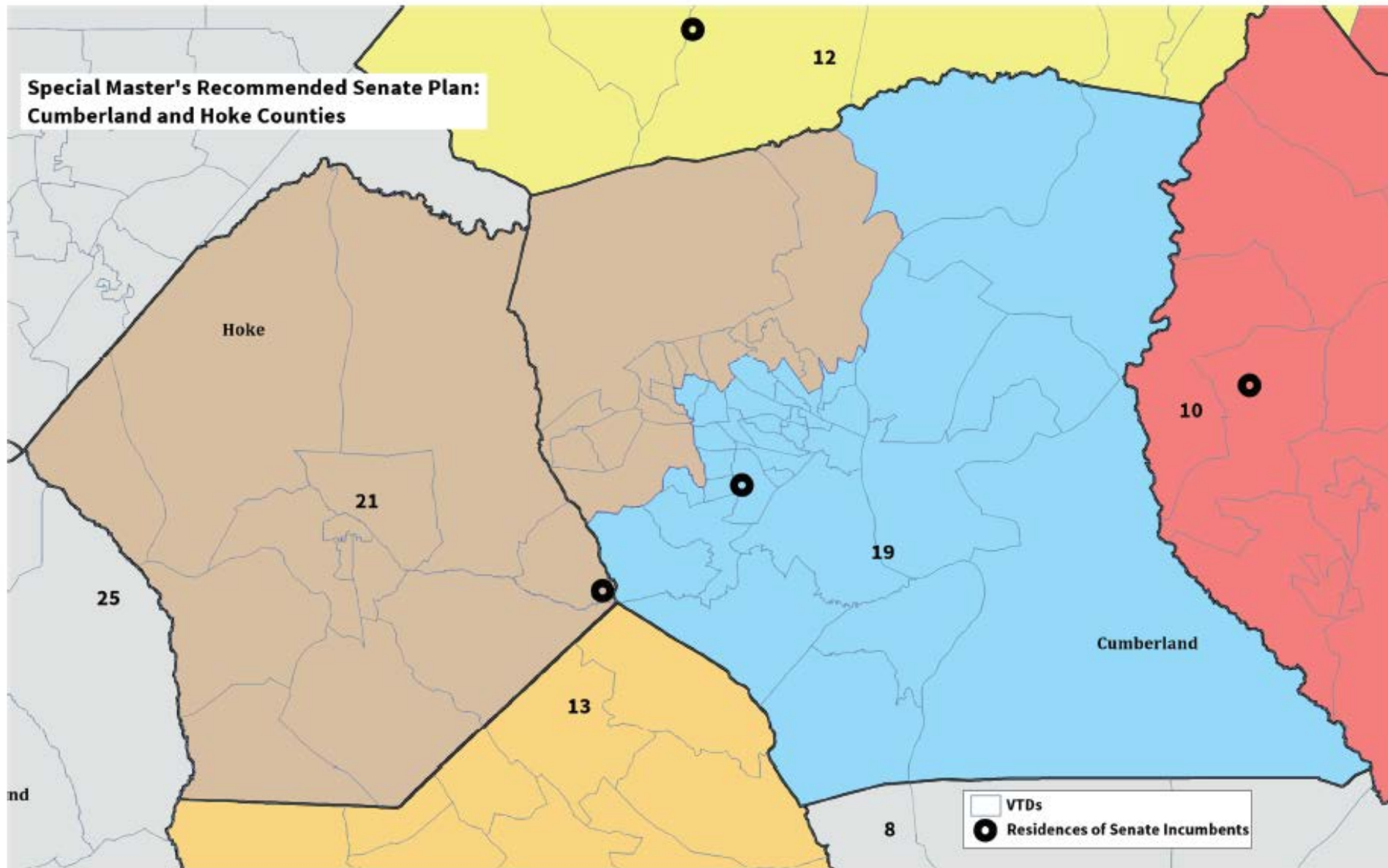
Senate Districts 19 and 21

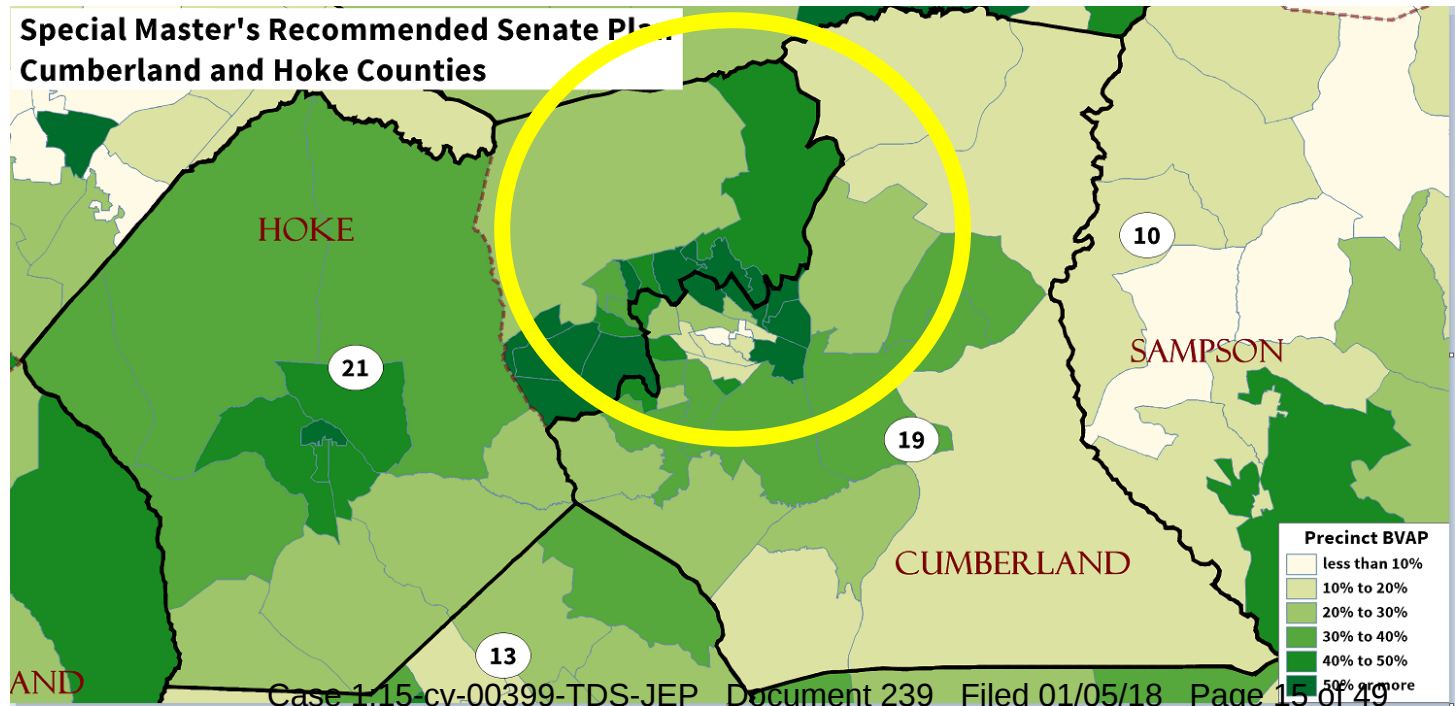
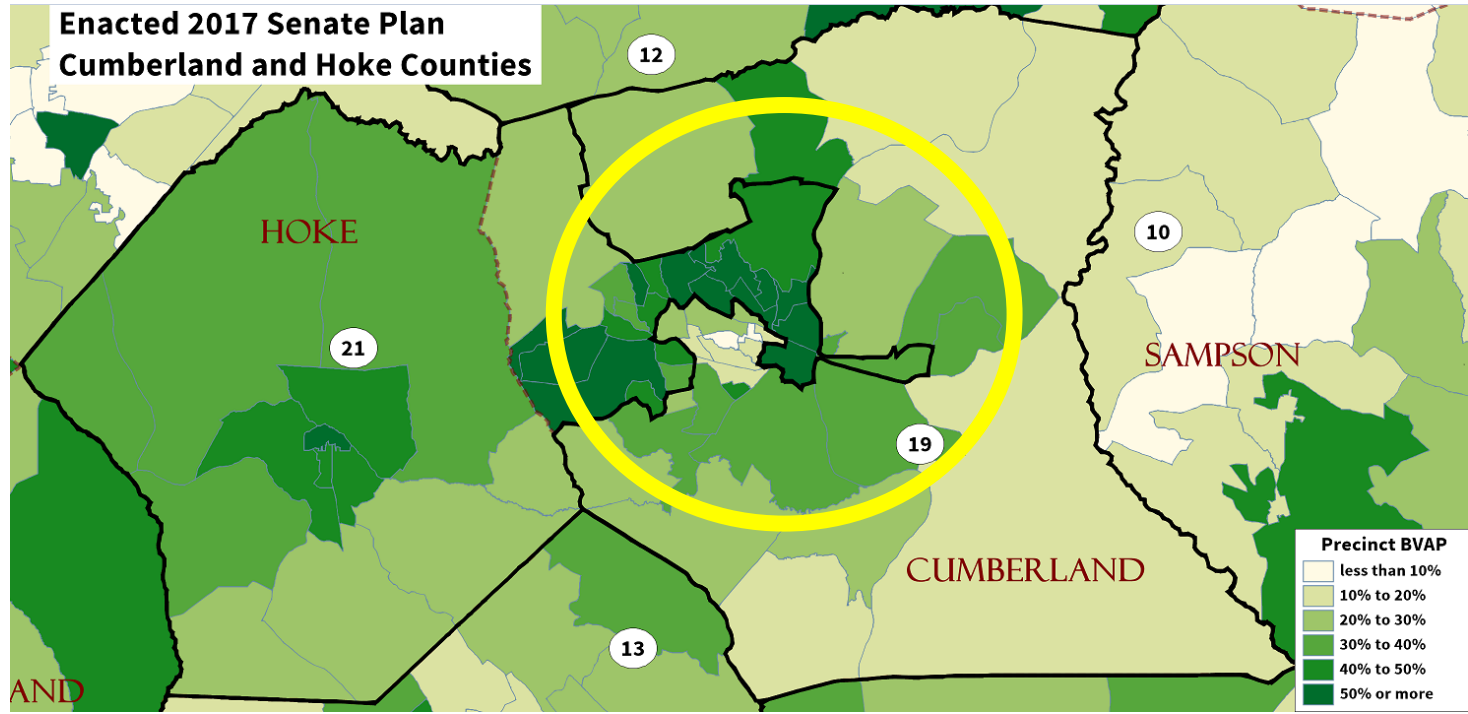
2011 Plan



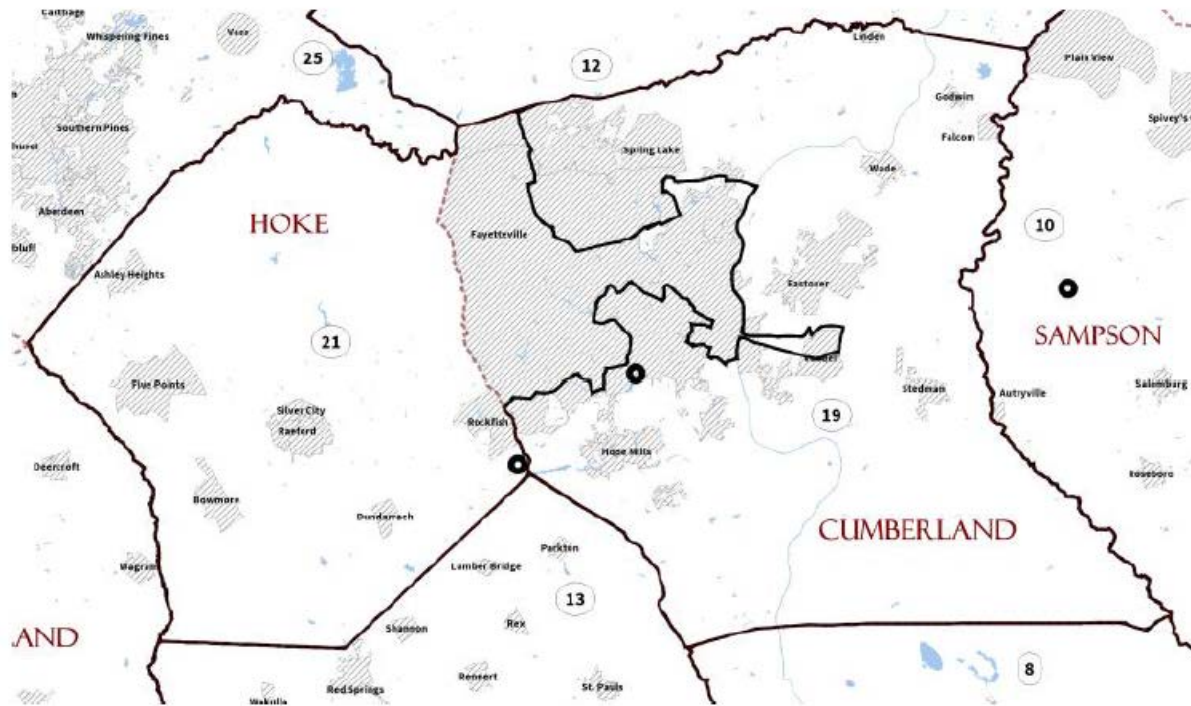
2017 Plan



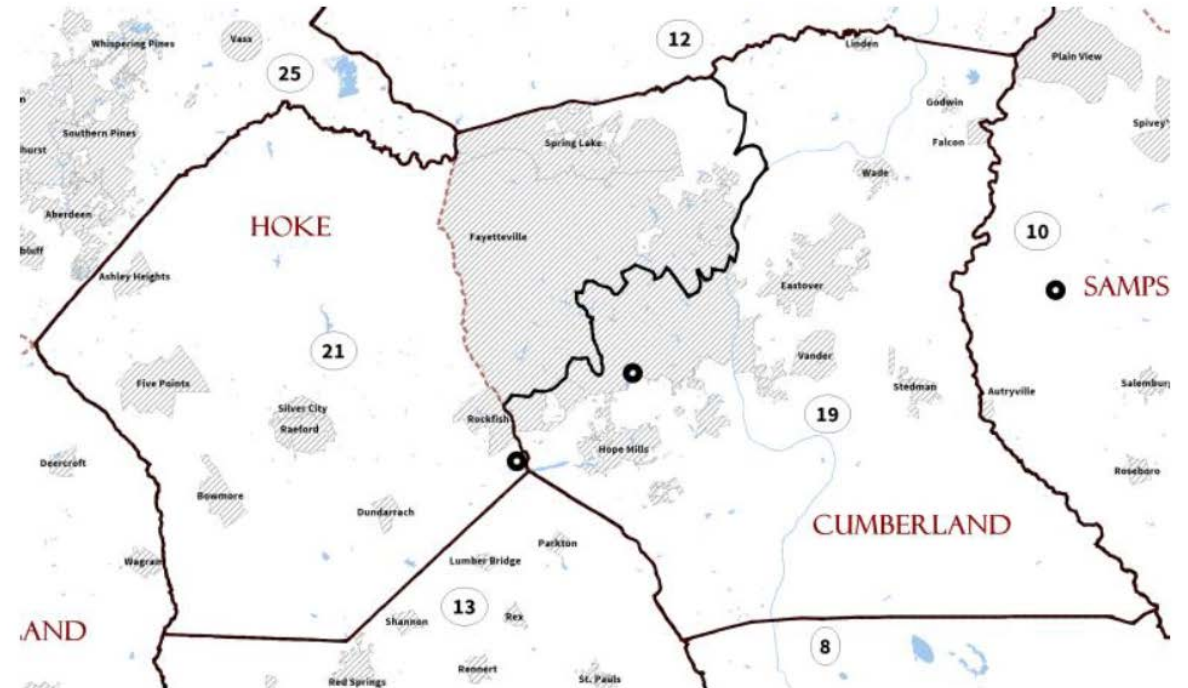




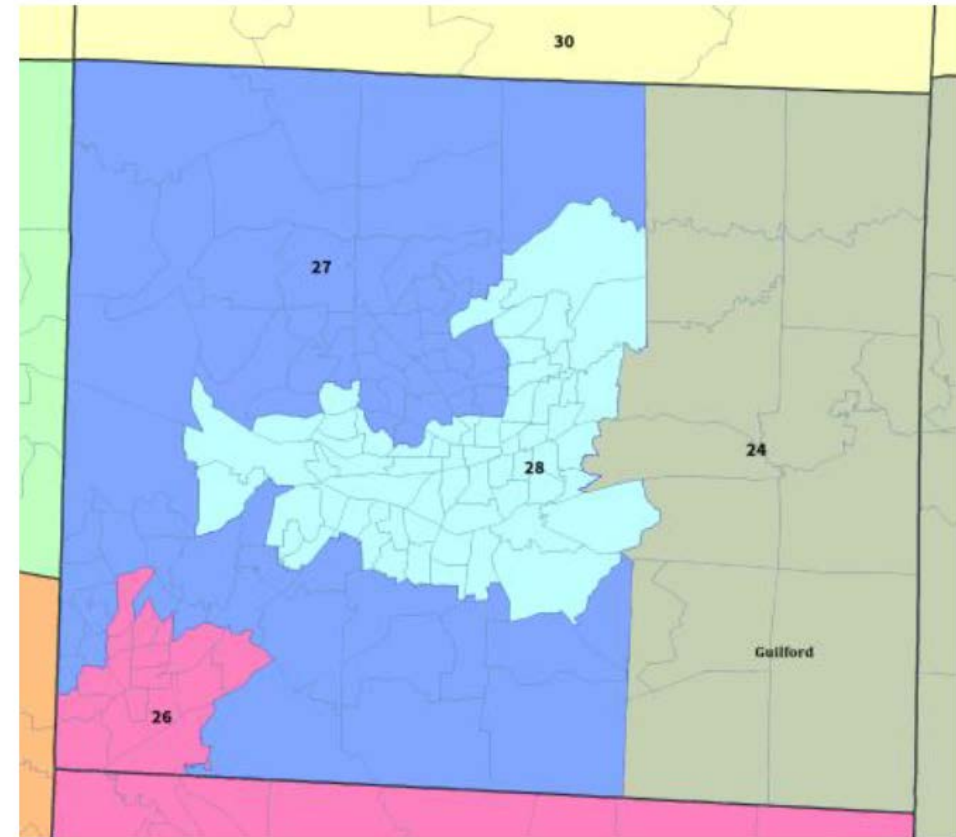
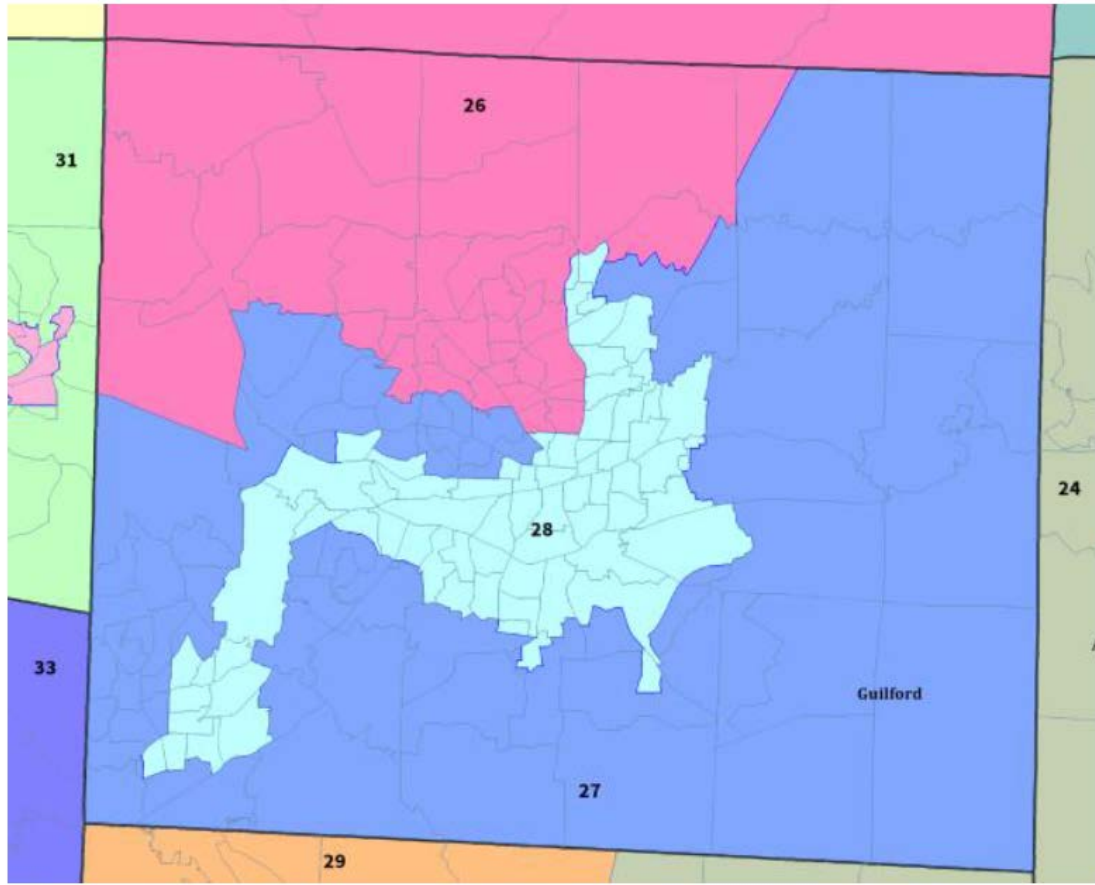
2017 Plan

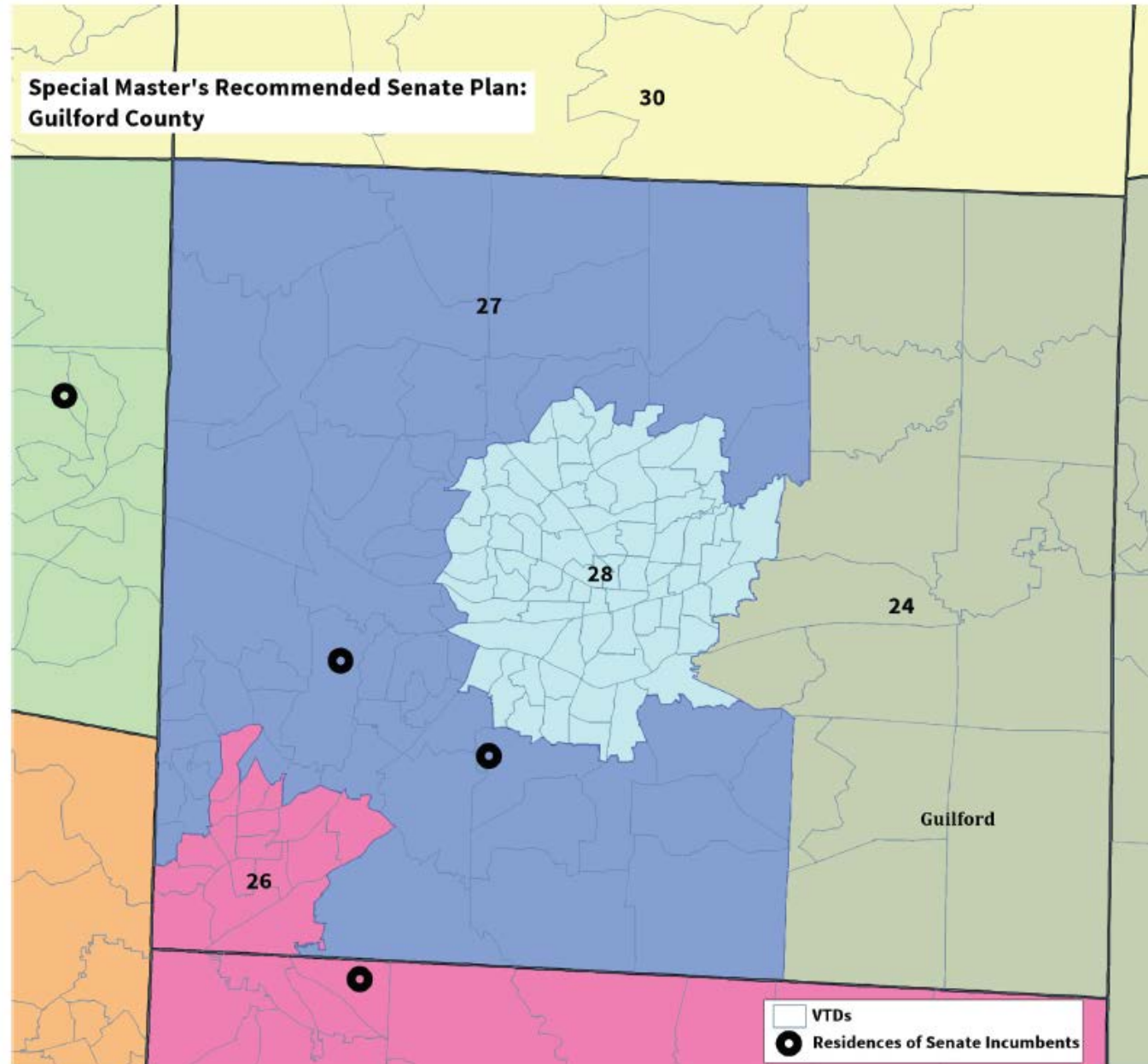


Special Master's Recommended Plan



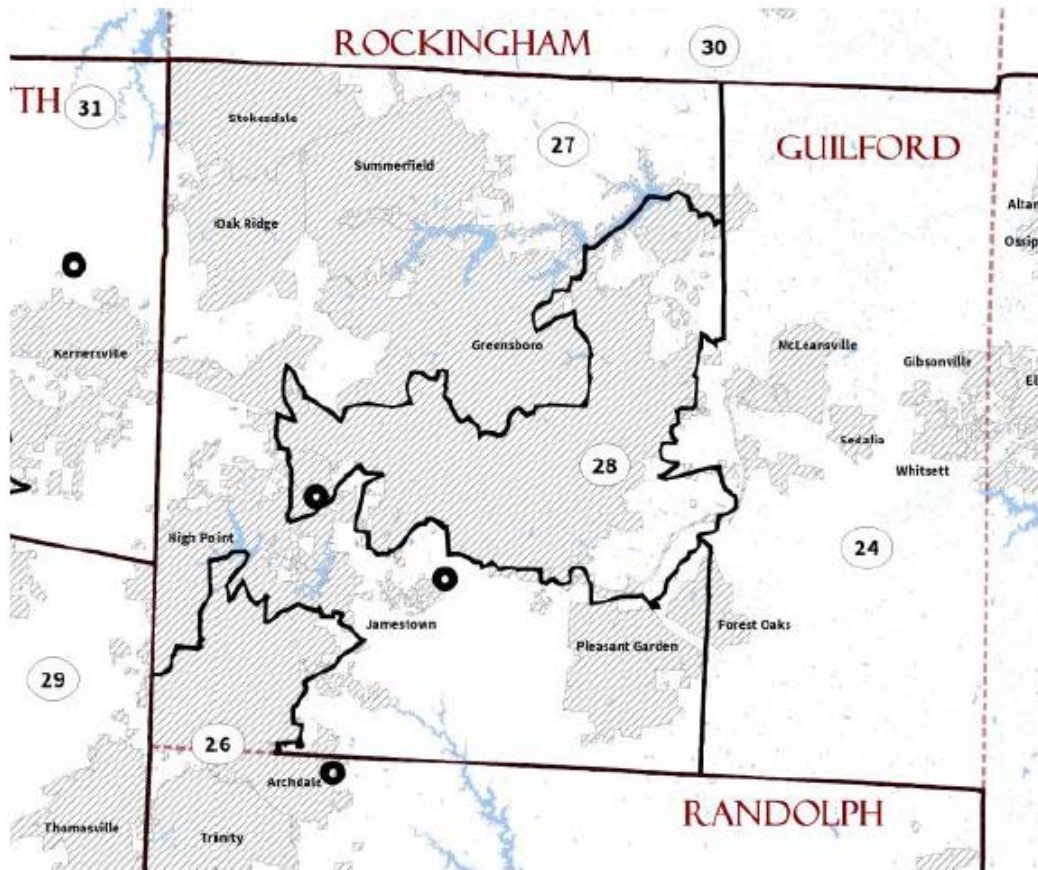
Guilford County Senate Districts Enacted 2011 and 2017



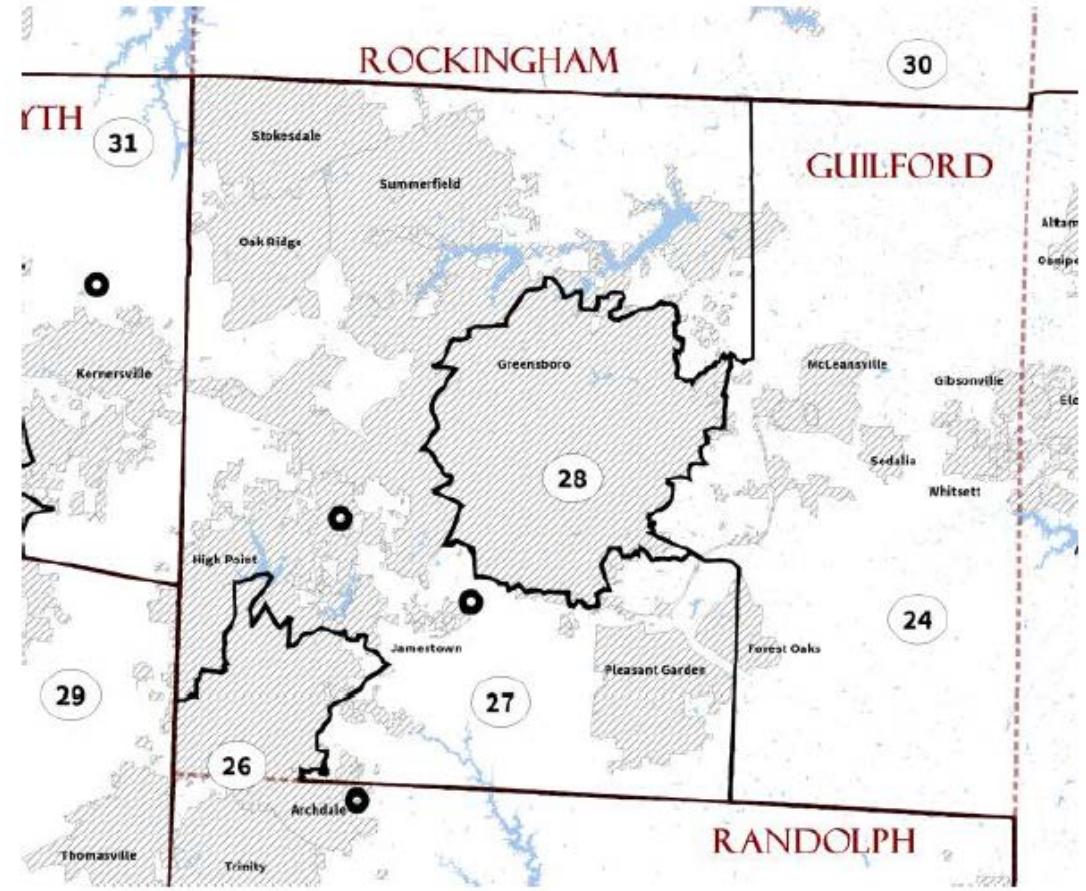


Consideration of Municipal Boundaries

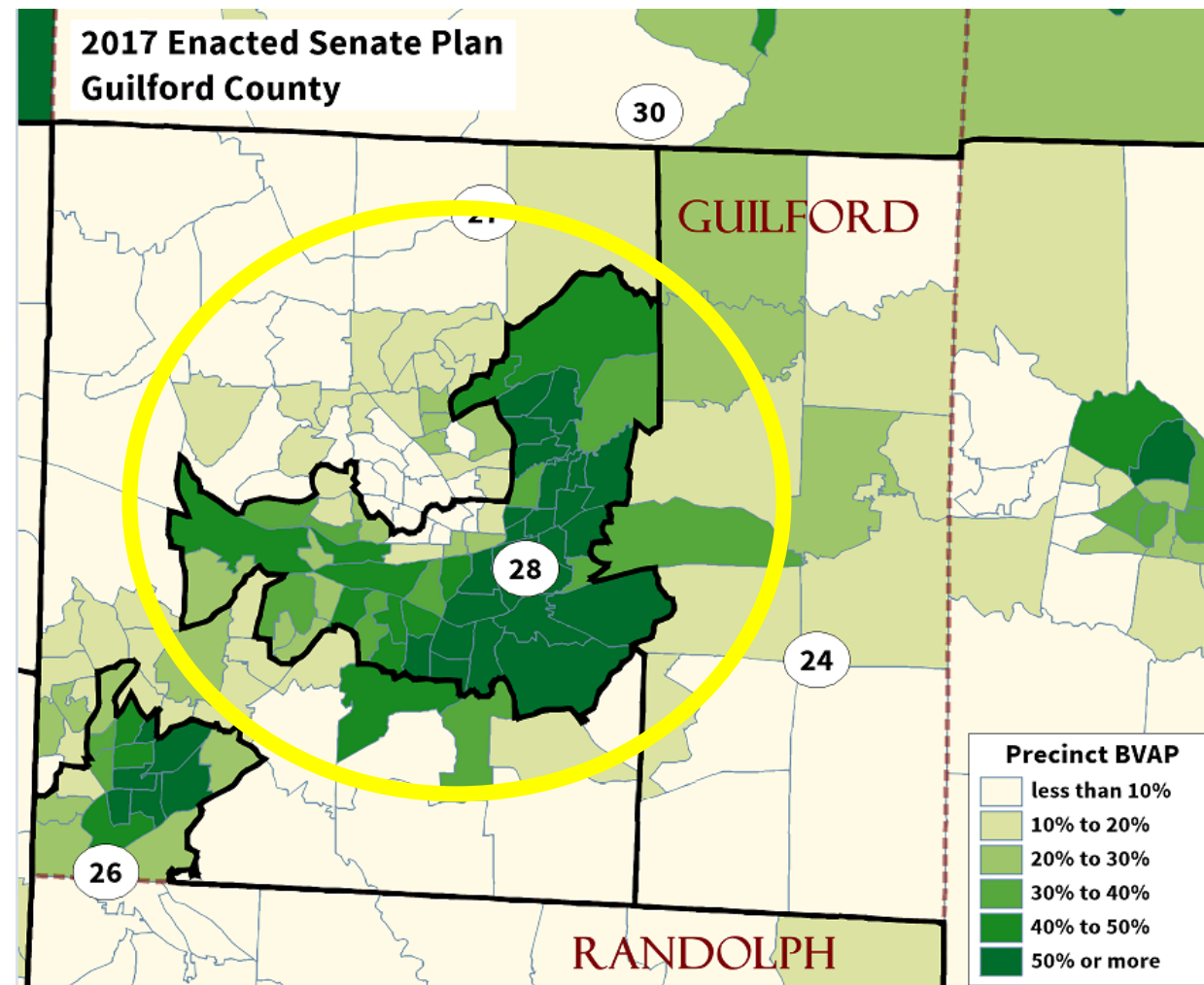
2017 Plan



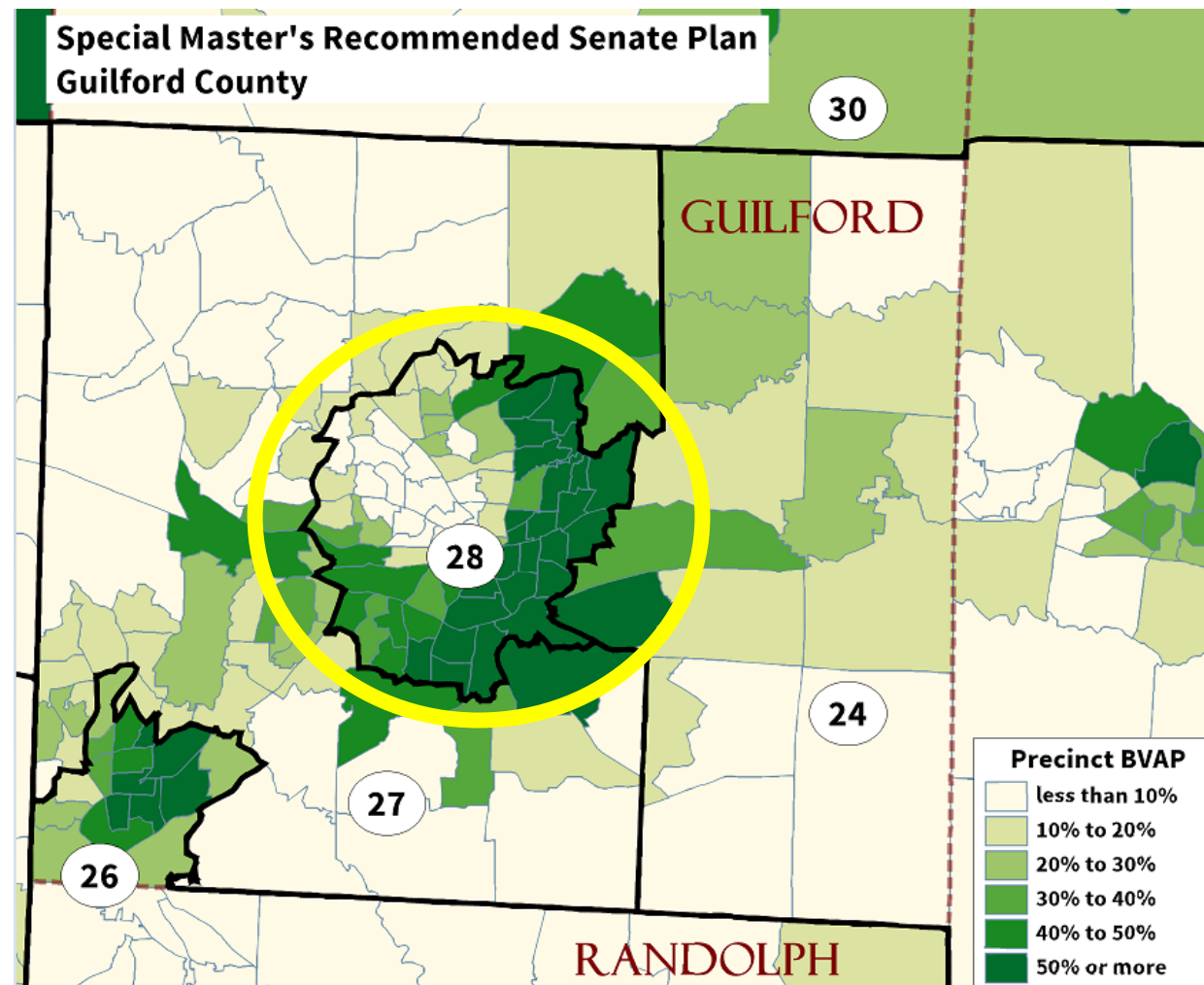
Special Master's Recommended Plan



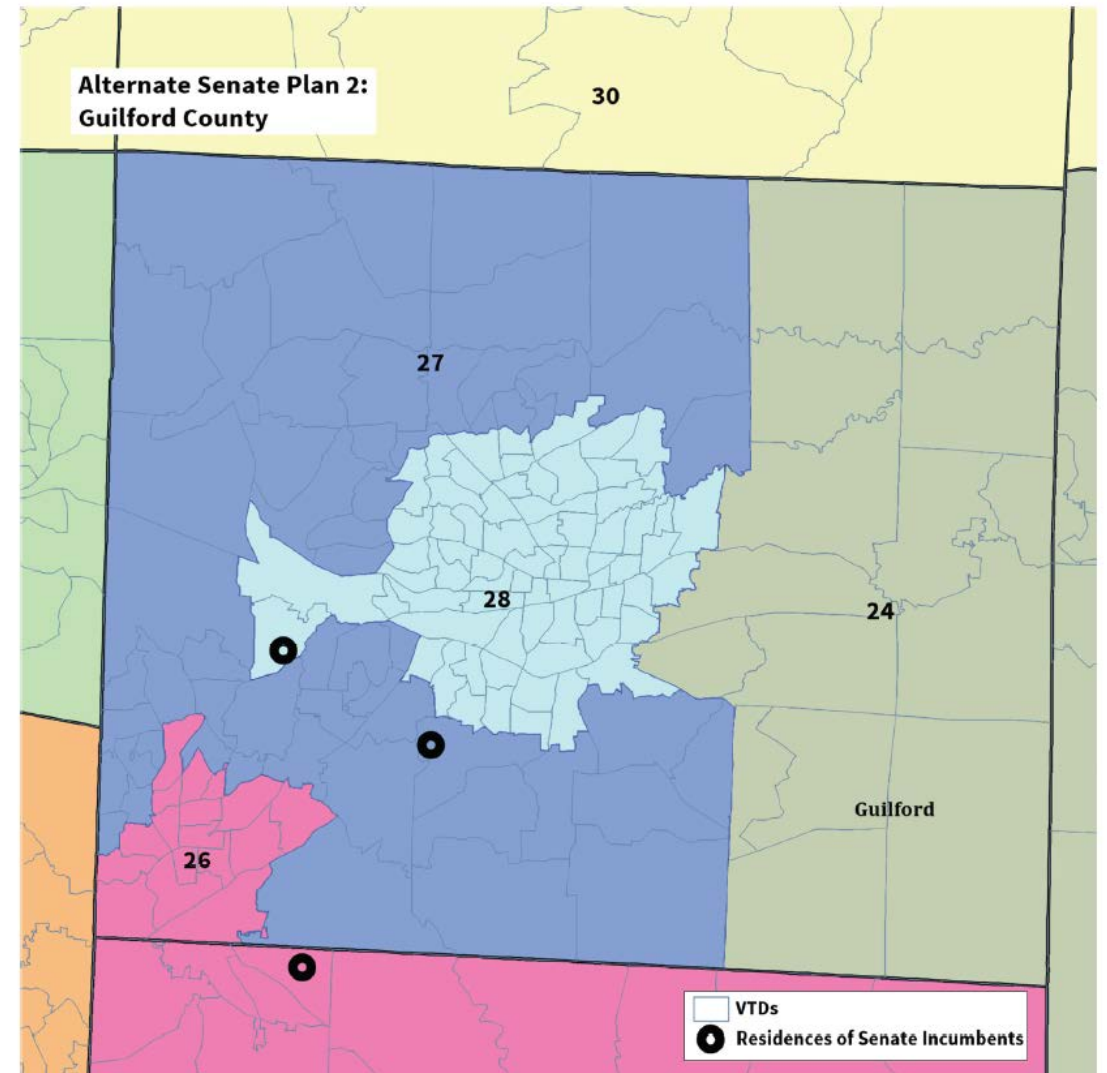
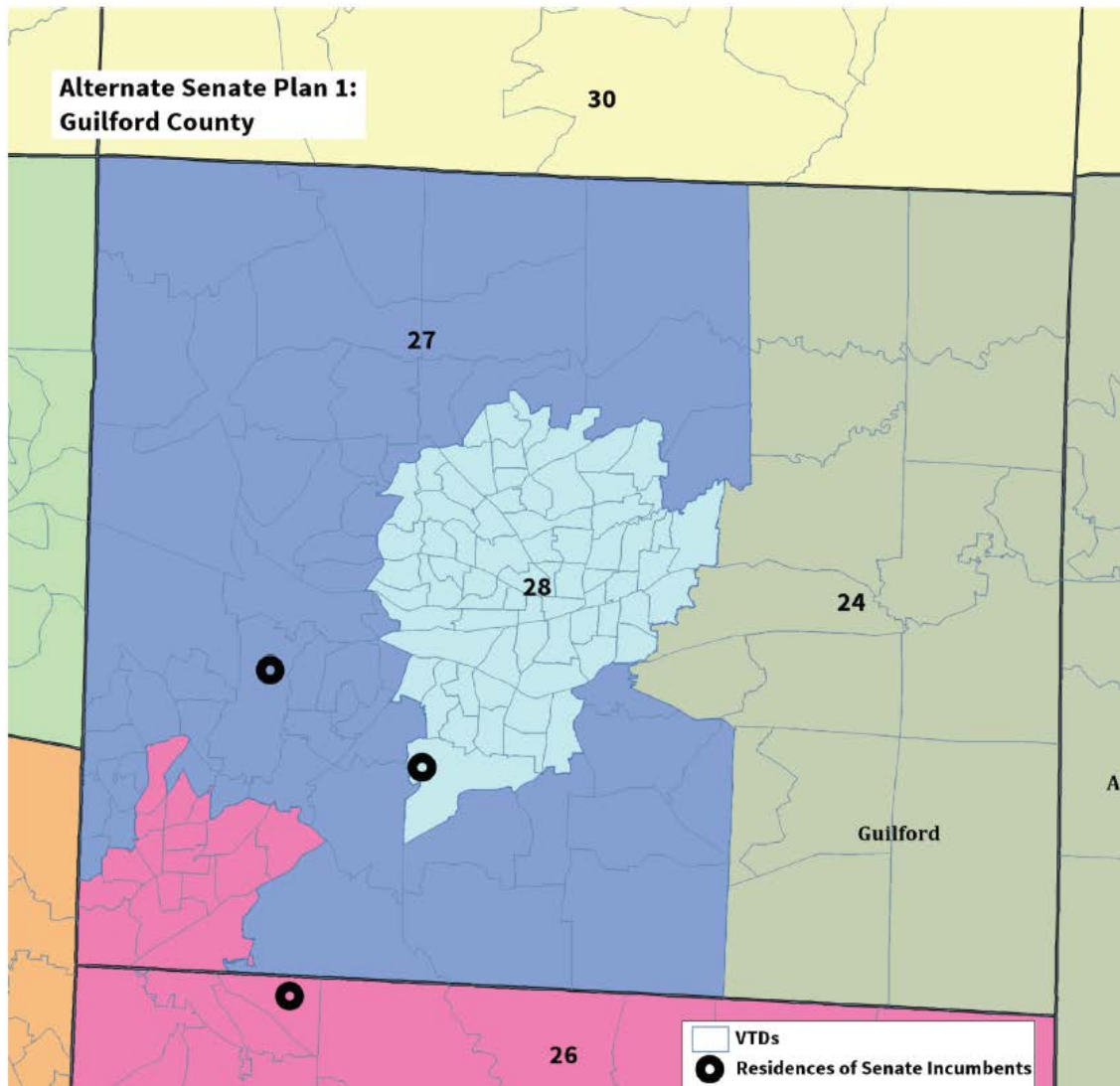
**2017 Enacted Senate Plan
Guilford County**



**Special Master's Recommended Senate Plan
Guilford County**

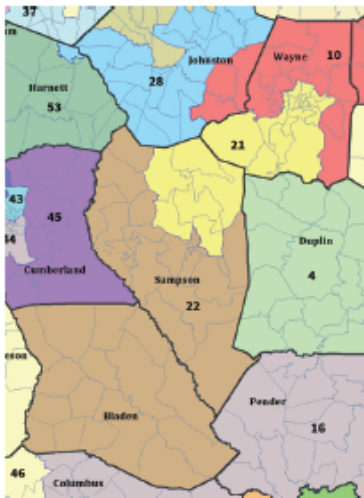


Alternatives to Deal with Incumbent Pairing

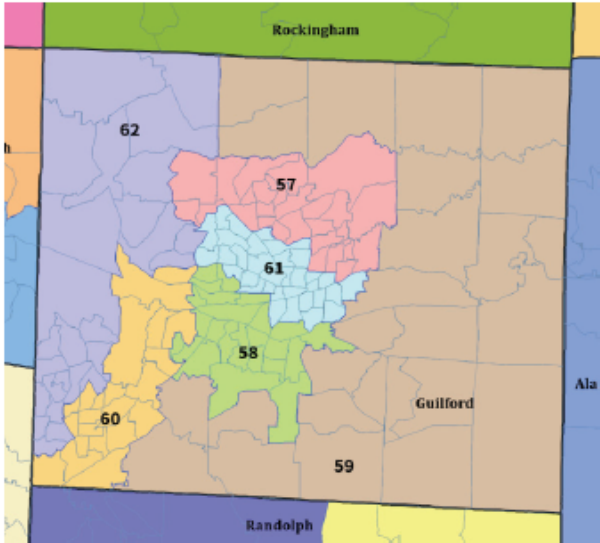


North Carolina House Special Master's Recommended Plan

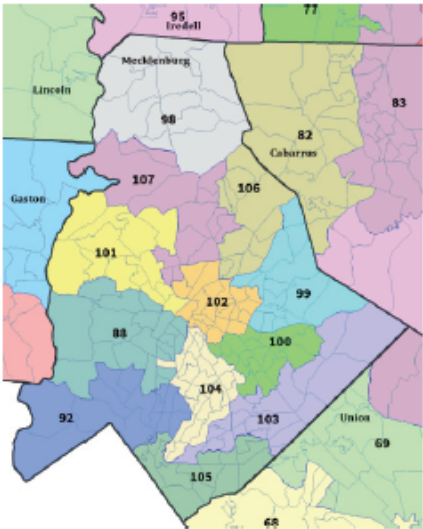
Bladen, Sampson and Wayne Counties



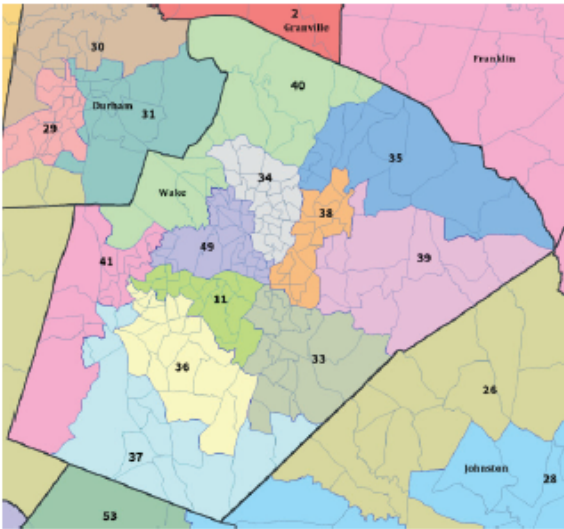
Guilford County



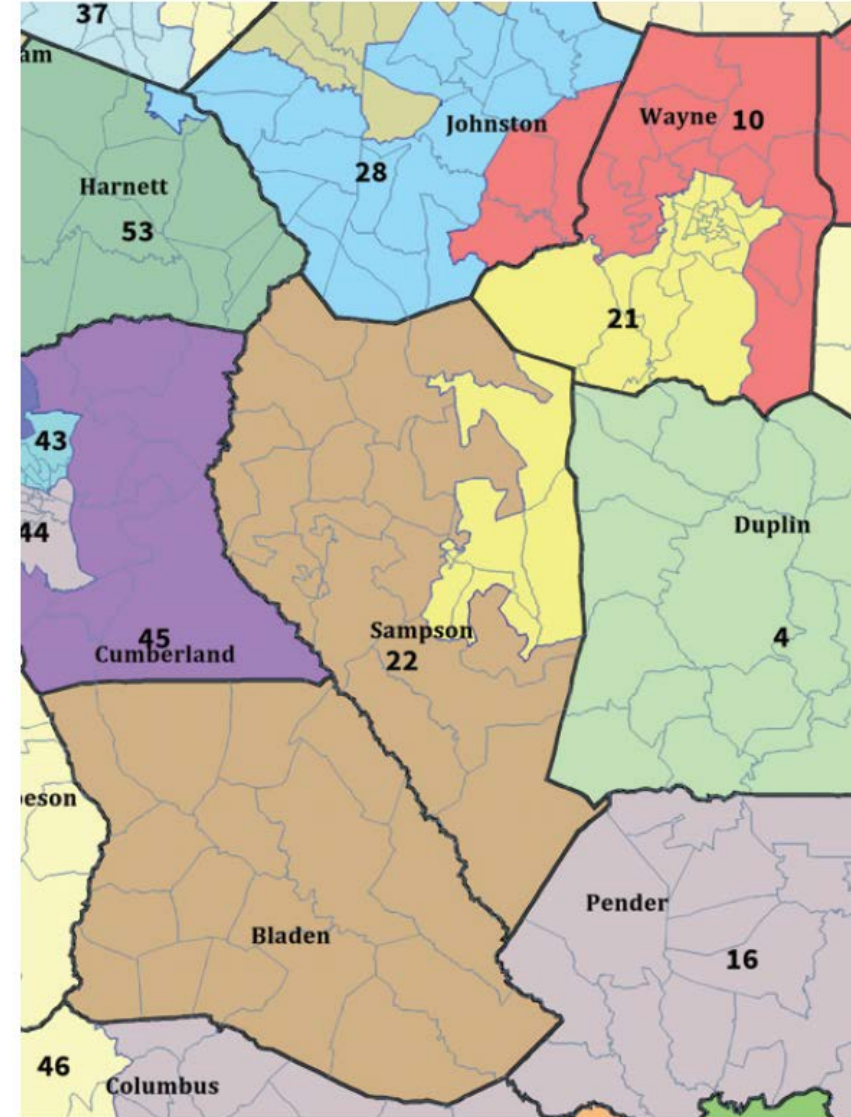
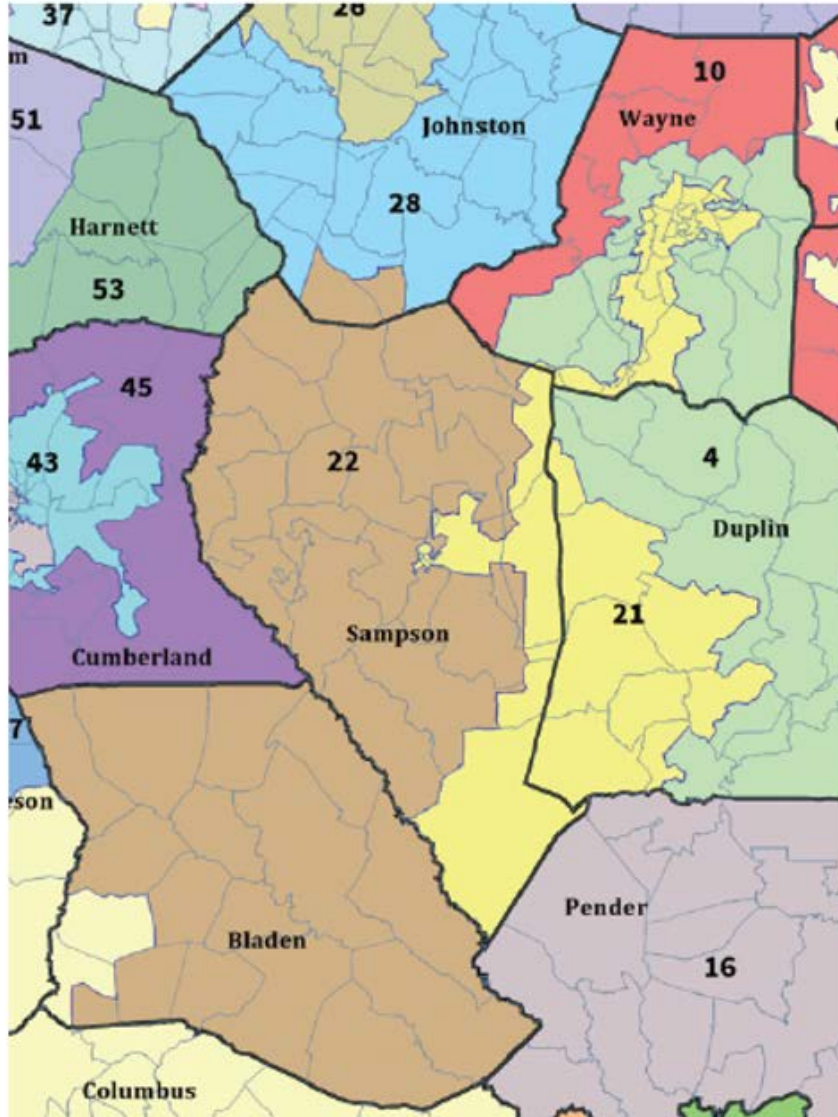
Mecklenburg County

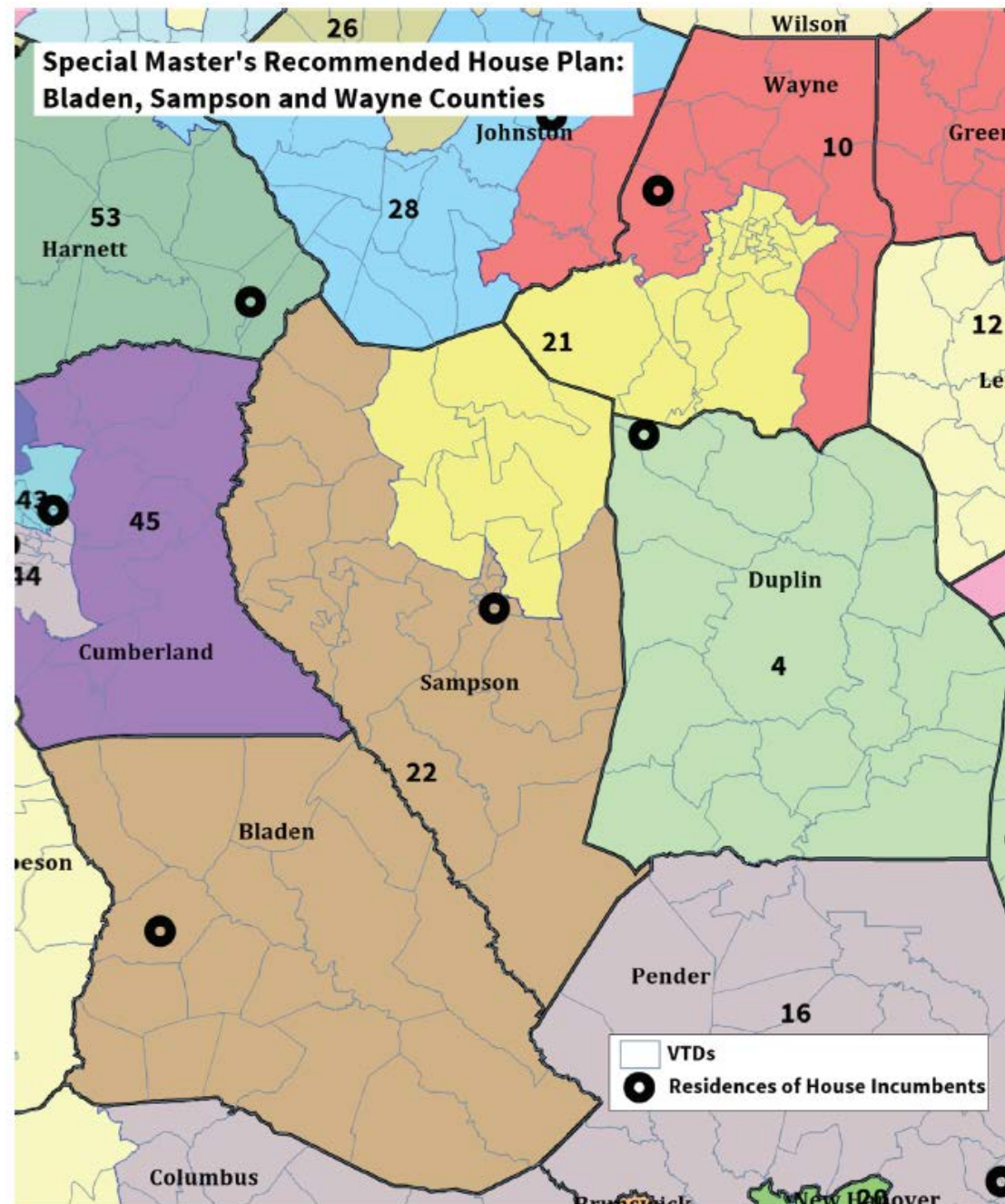


Wake County

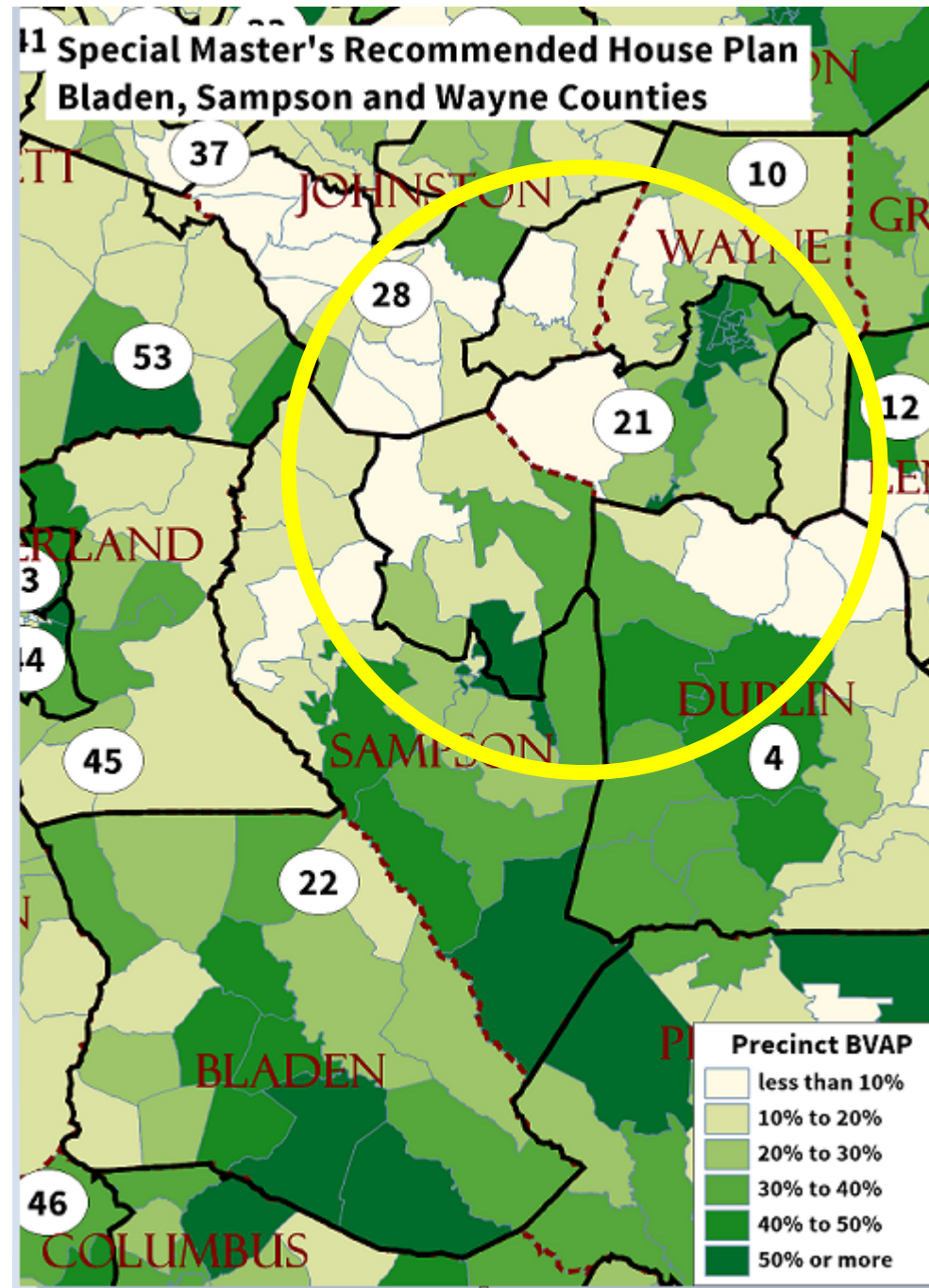
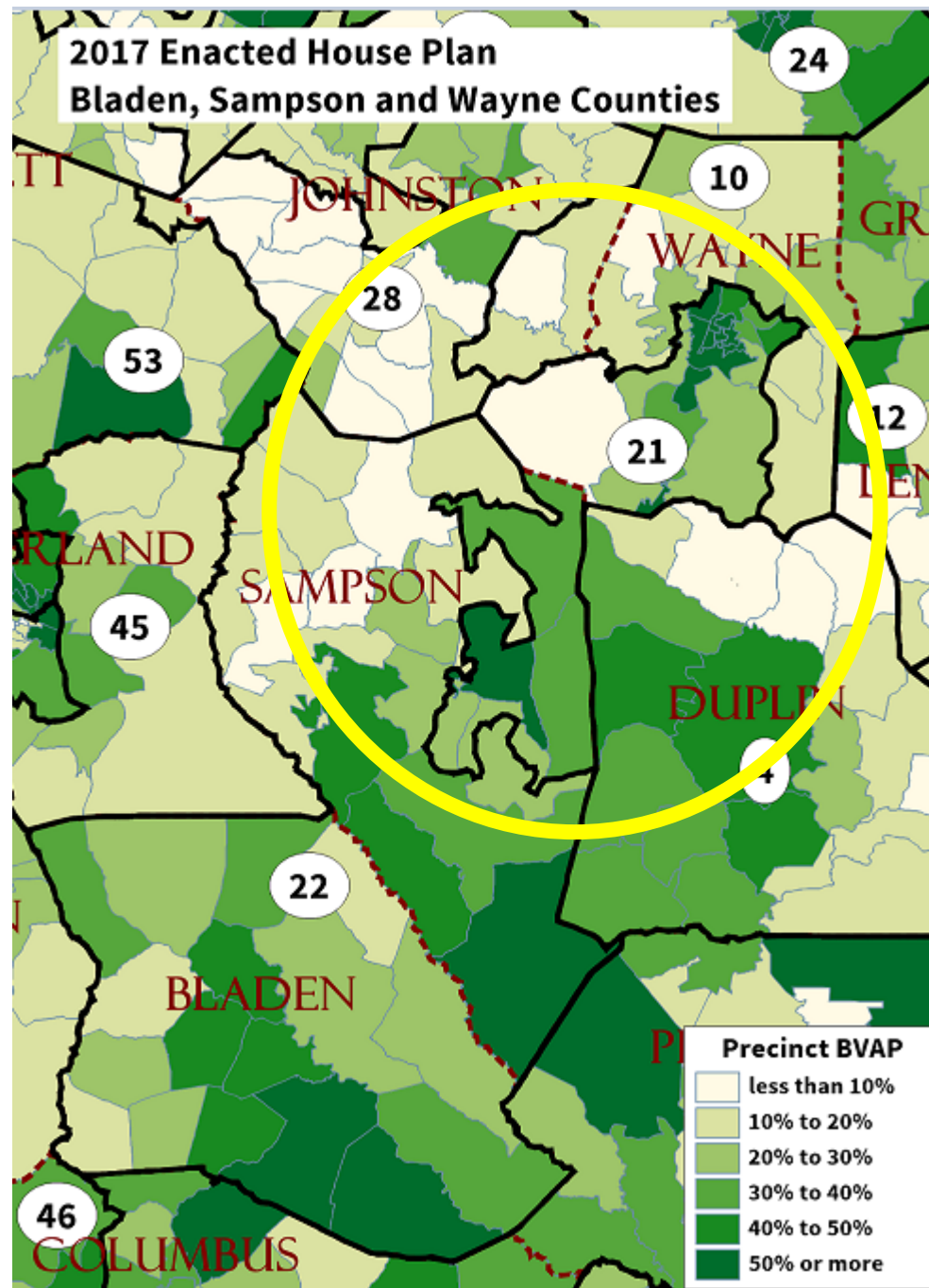


House Districts 21 and 22 2011 and 2017





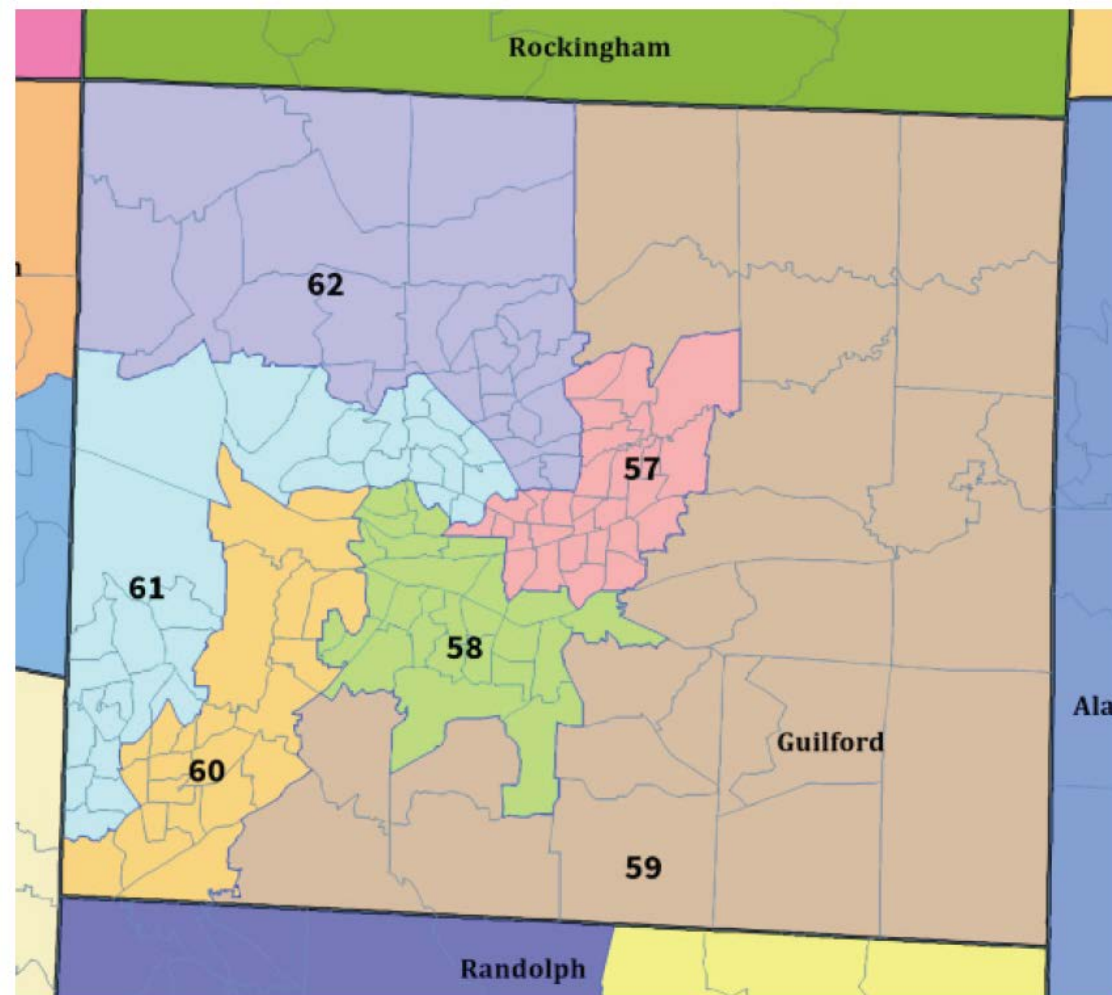
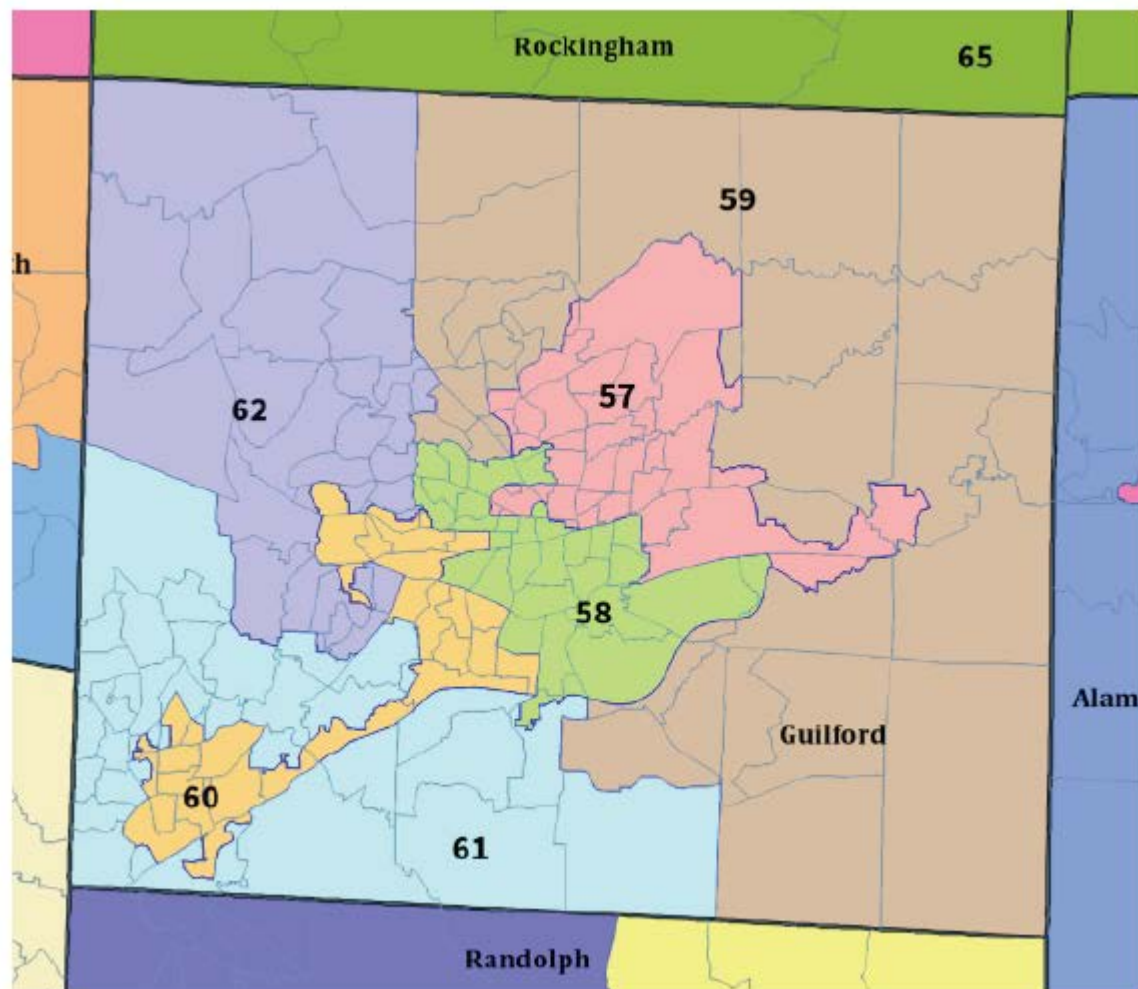
*District altered from Draft Plan in response to Defendants' objections to reduce number of split precincts in Sampson.

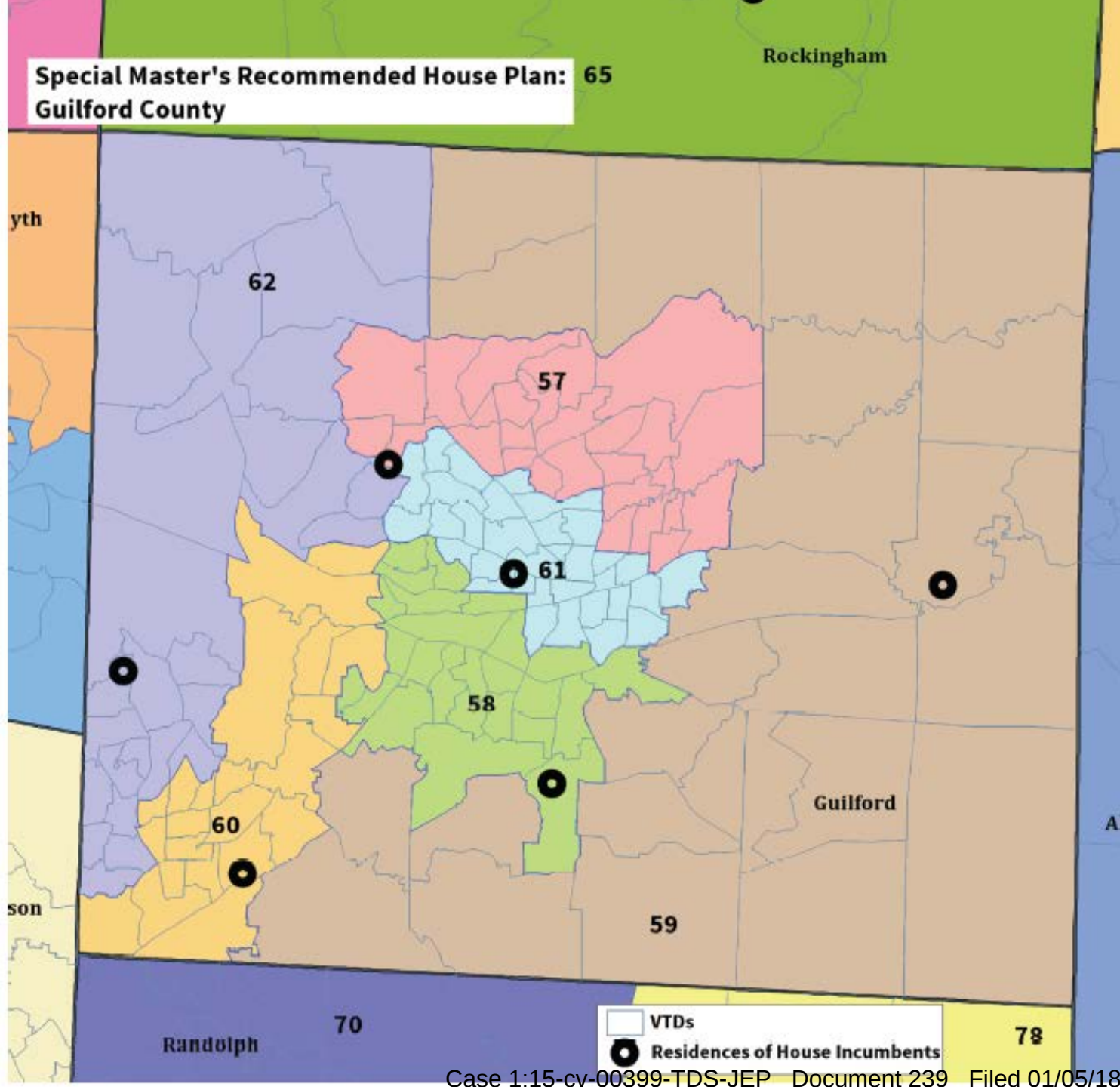


Special Direction in Court Order for Guilford House Districts

- “As to House District 57, the redrawn lines shall also ensure that the unconstitutional racial gerrymanders in 2011 Enacted House Districts 58 and 60 are cured.”

Guilford County House Districts 2011 and 2017

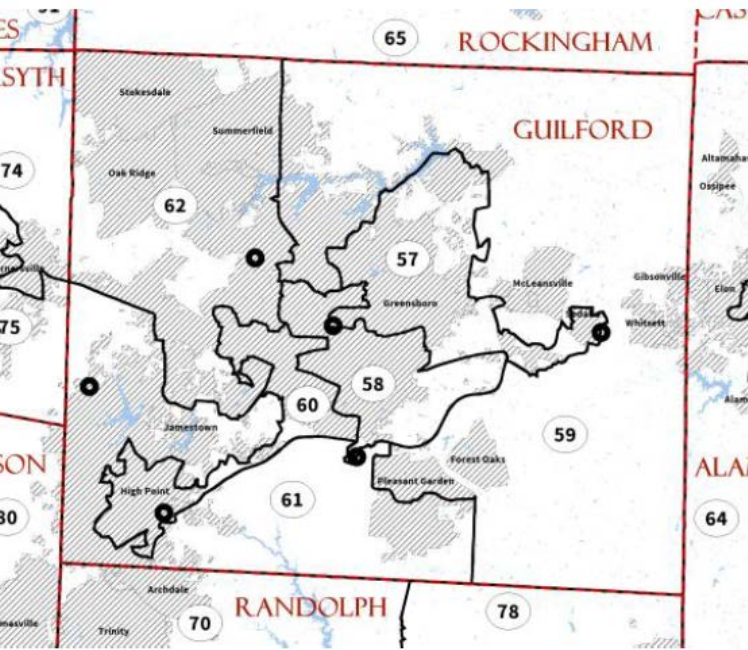




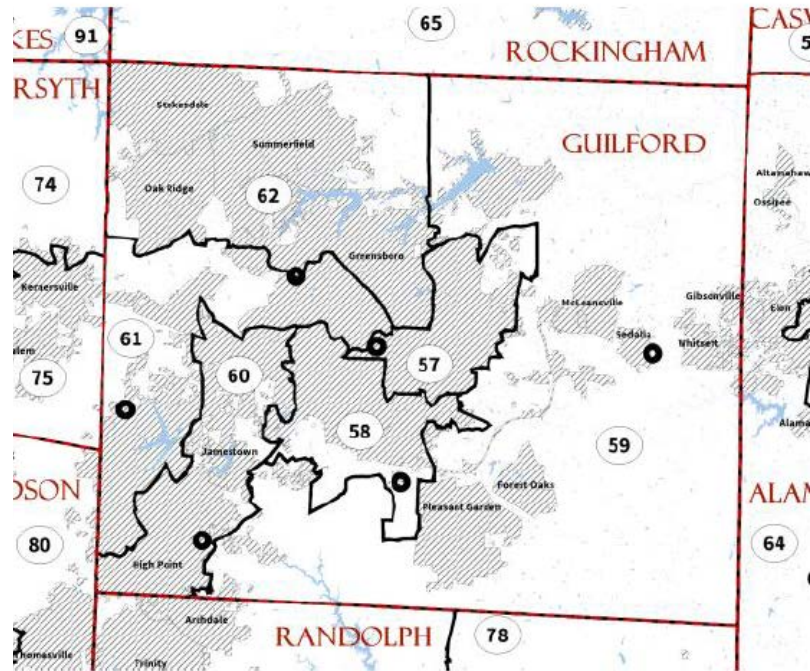
Changes made from Draft Plan to Recommended Plan in Guilford County House Districts in response to Legislative Defendants' expressed concerns:

1. All incumbents were unpaired and retain a majority of the people in their 2017 district.
2. Fewer districts were redrawn (Districts 58 and 60 are identical to 2017 plan and 59 is changed only a little).
3. 57 and 61 are reworked to be more compact than in Draft Plan.

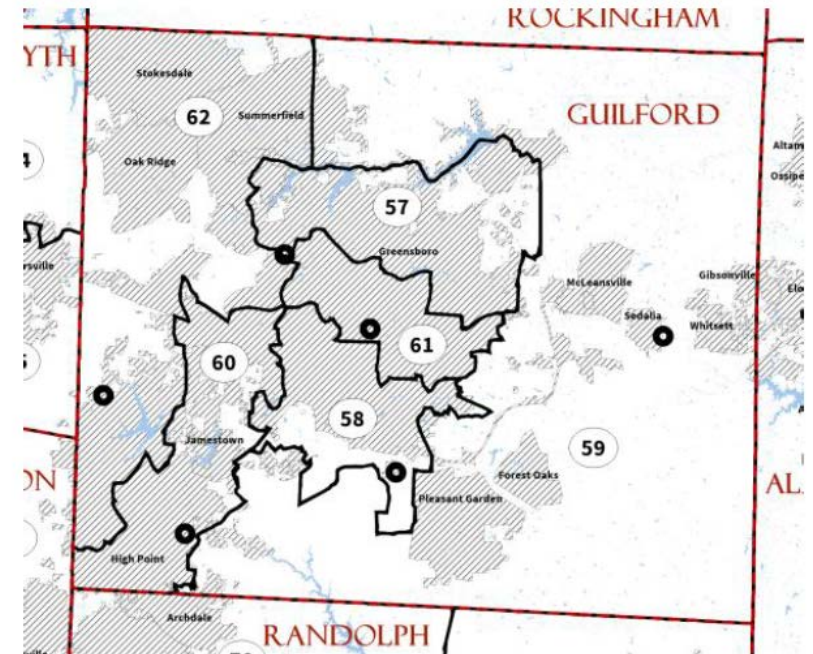
2011 Plan

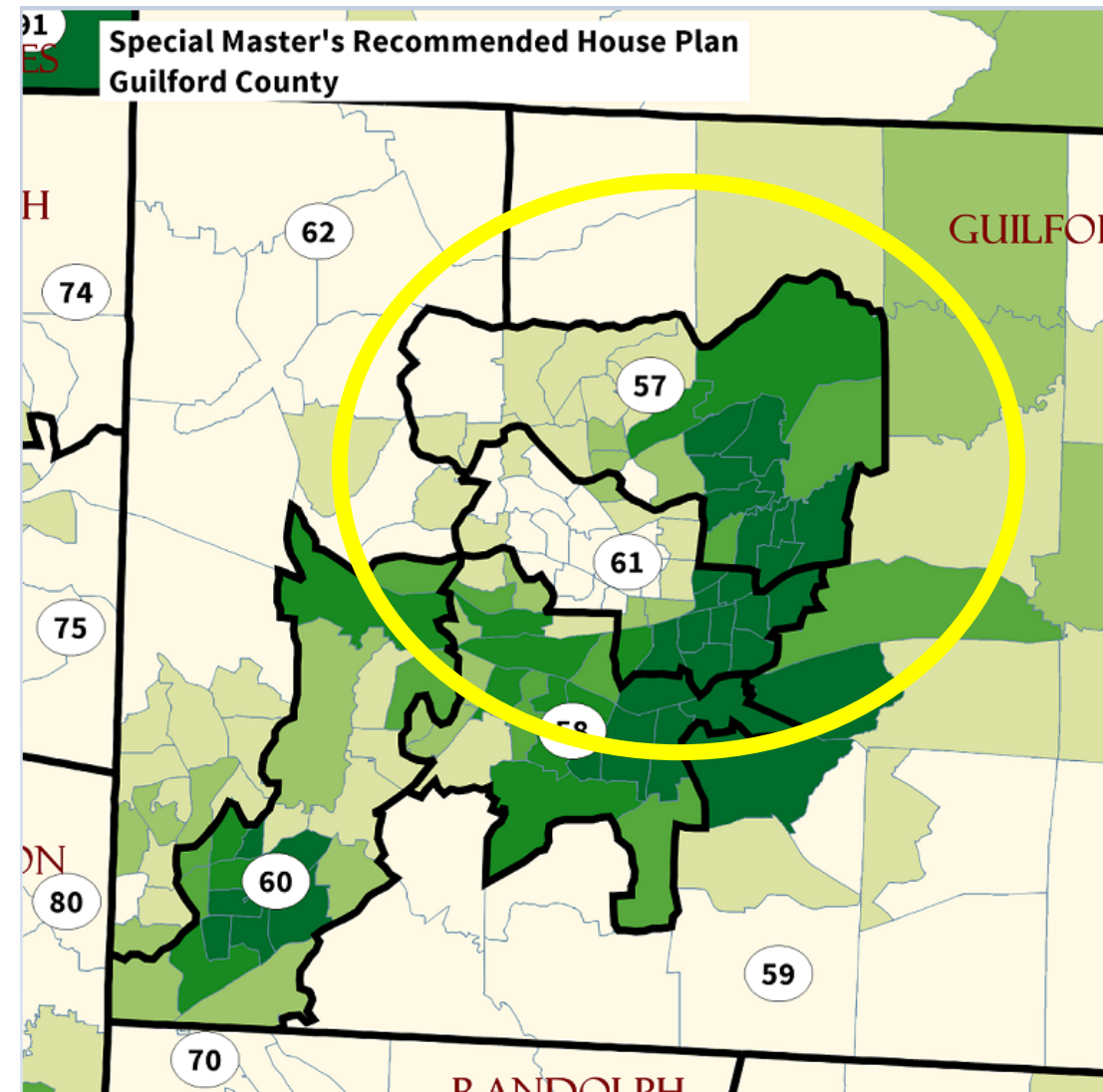
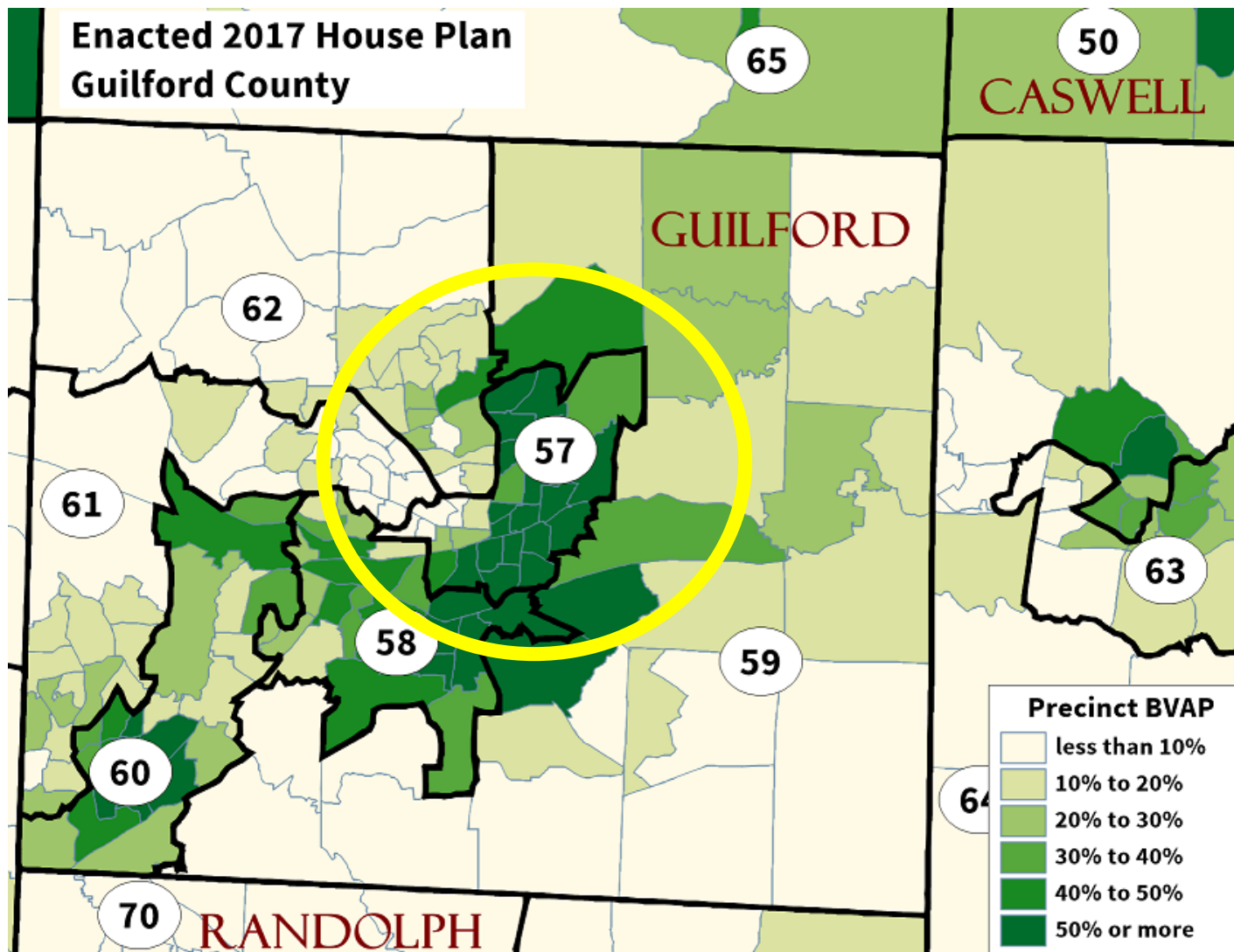


2017 Plan

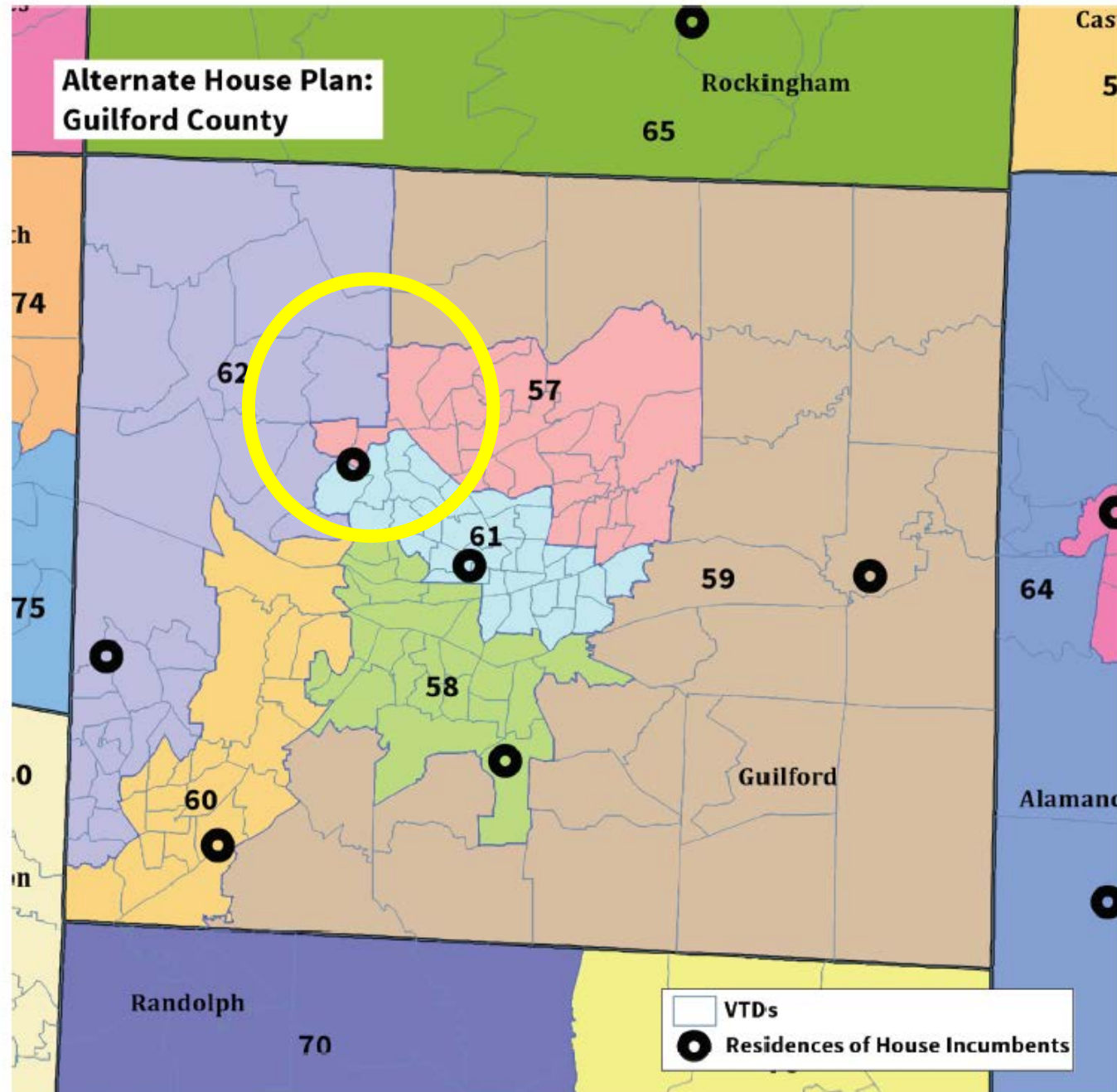


Special Master's Recommended Plan

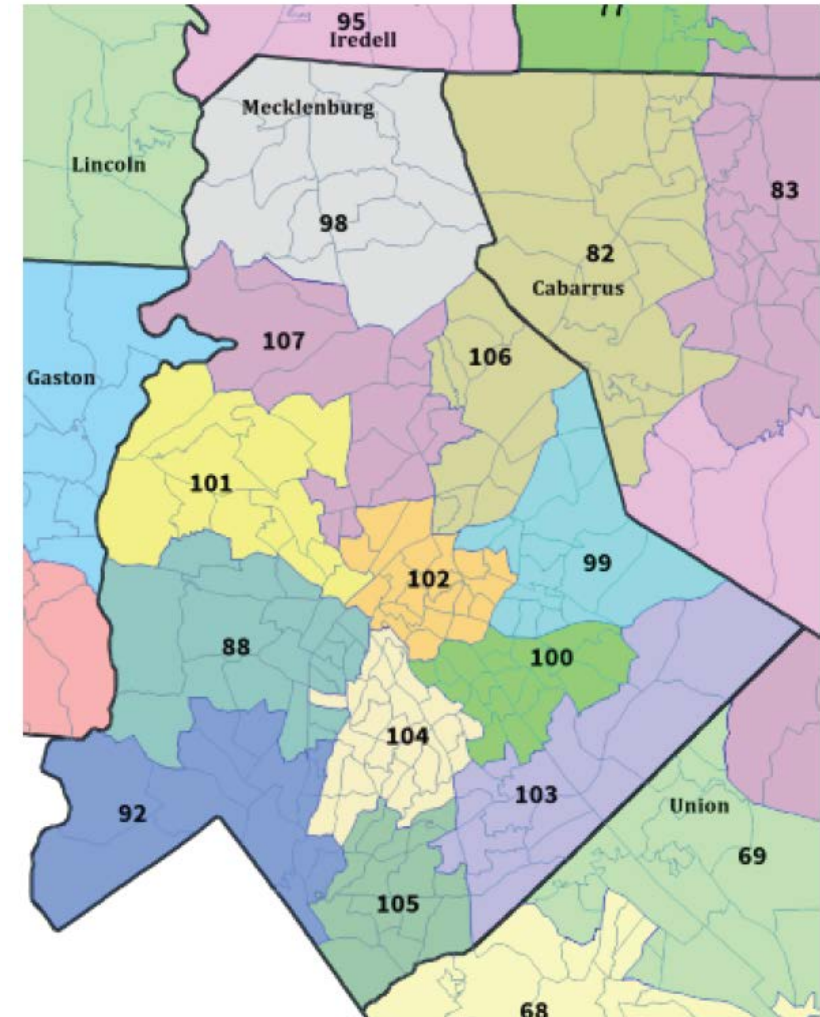
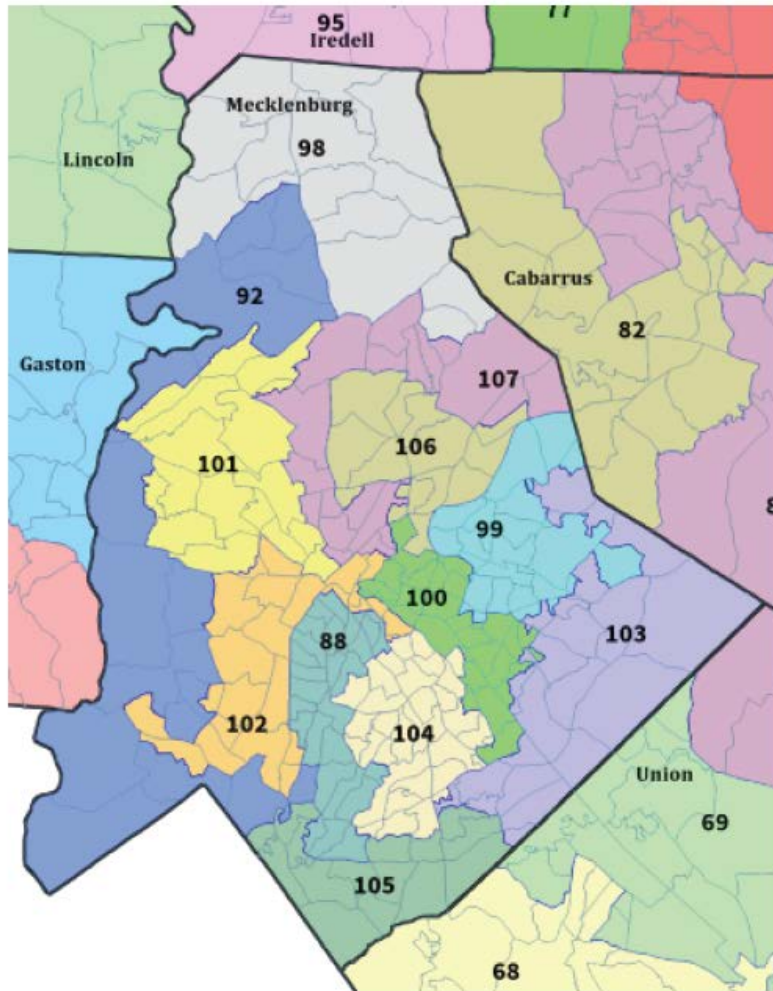


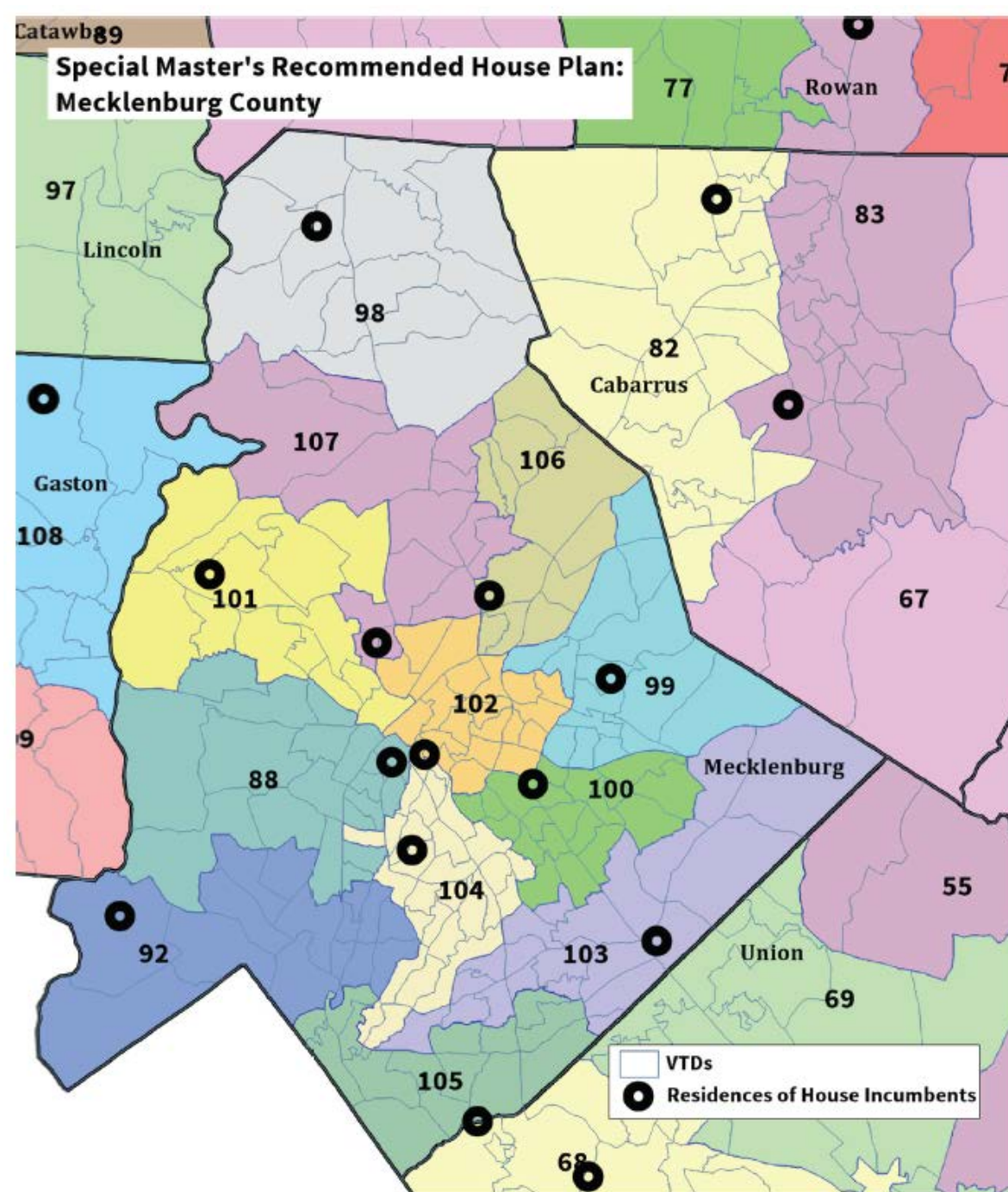


Alternative Plan eliminates District 57's small intrusion into Summerfield and therefore would not increase number of municipality splits.

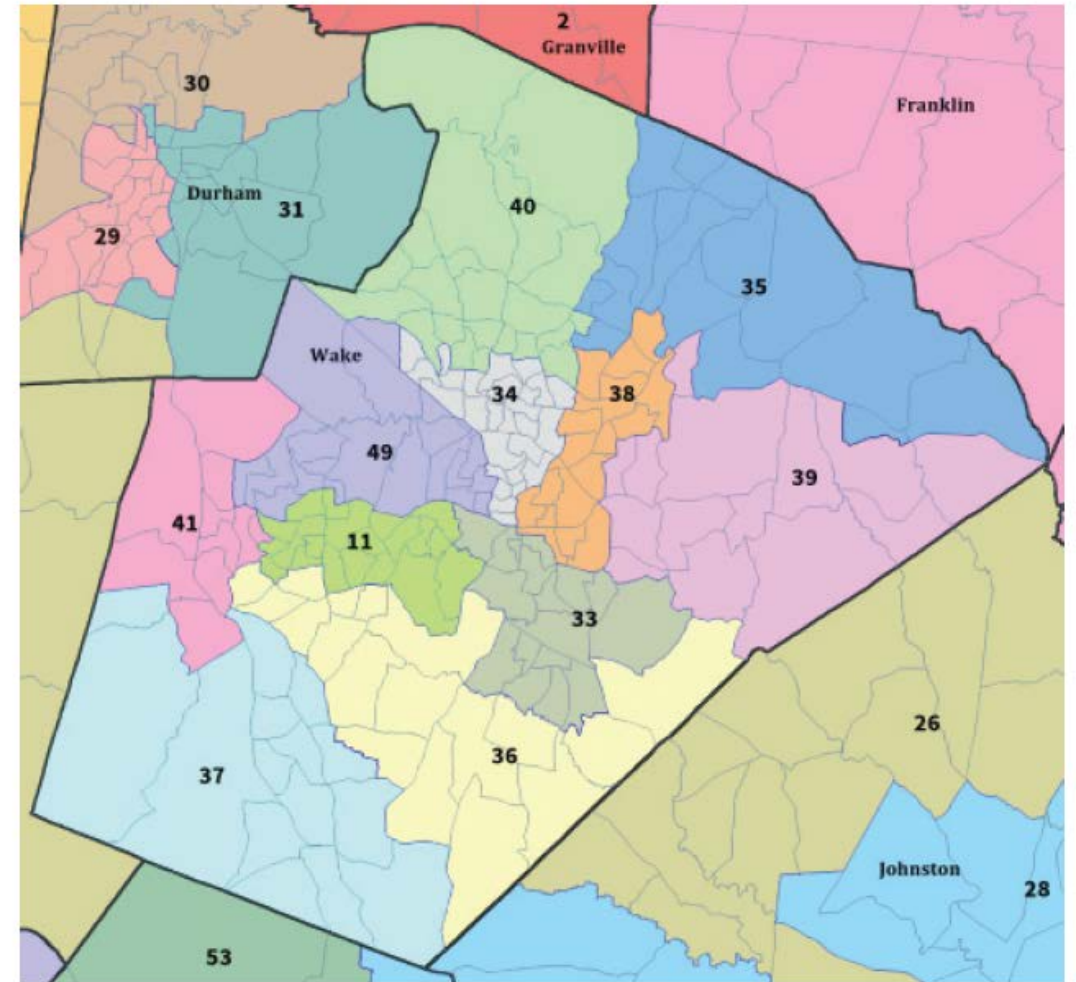
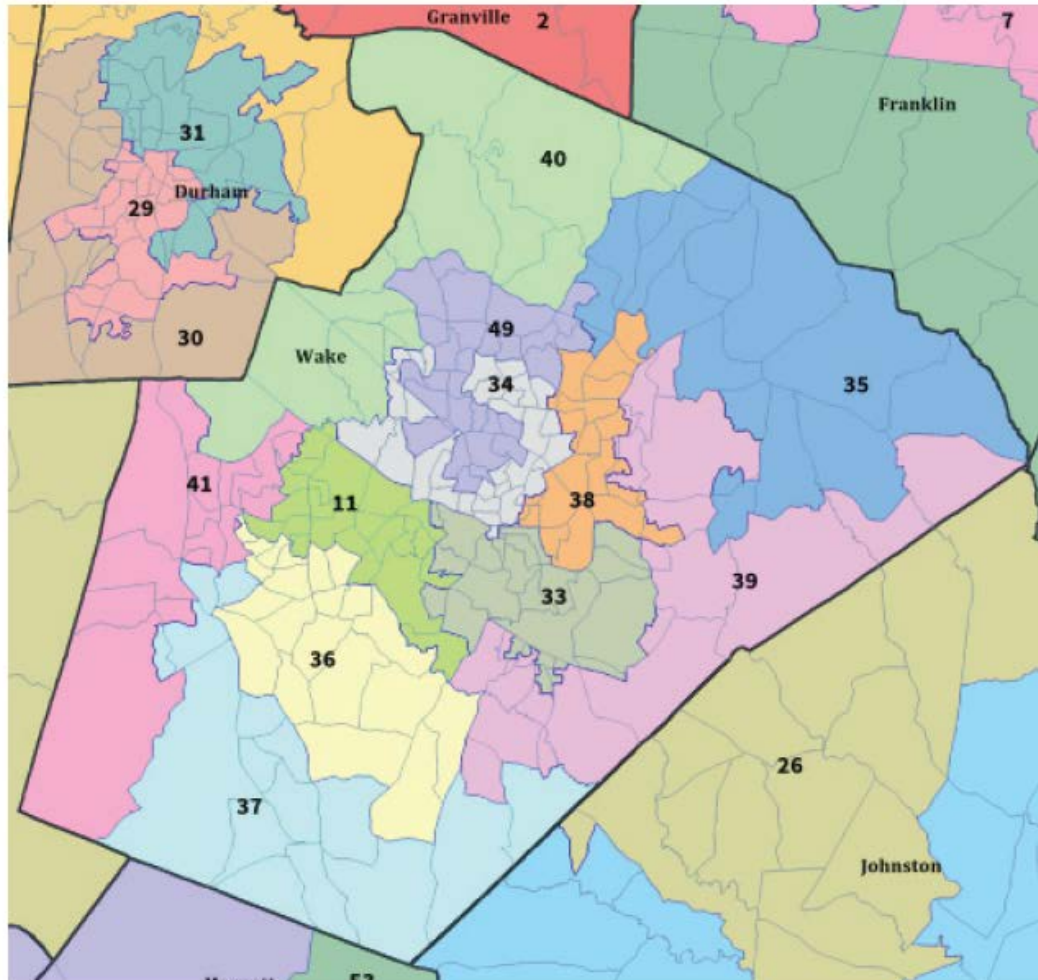


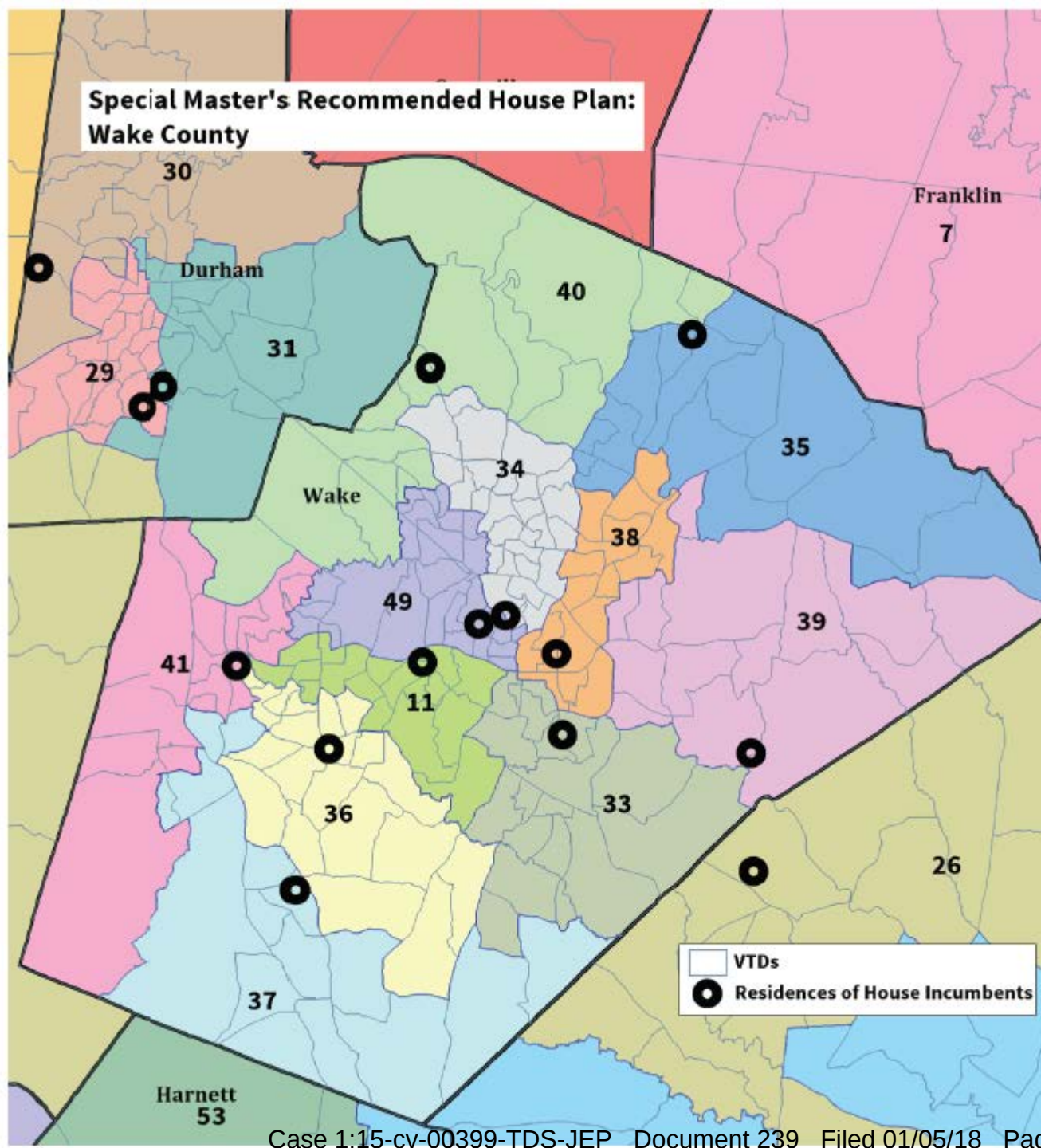
Mecklenburg County House Districts 2011 and 2017



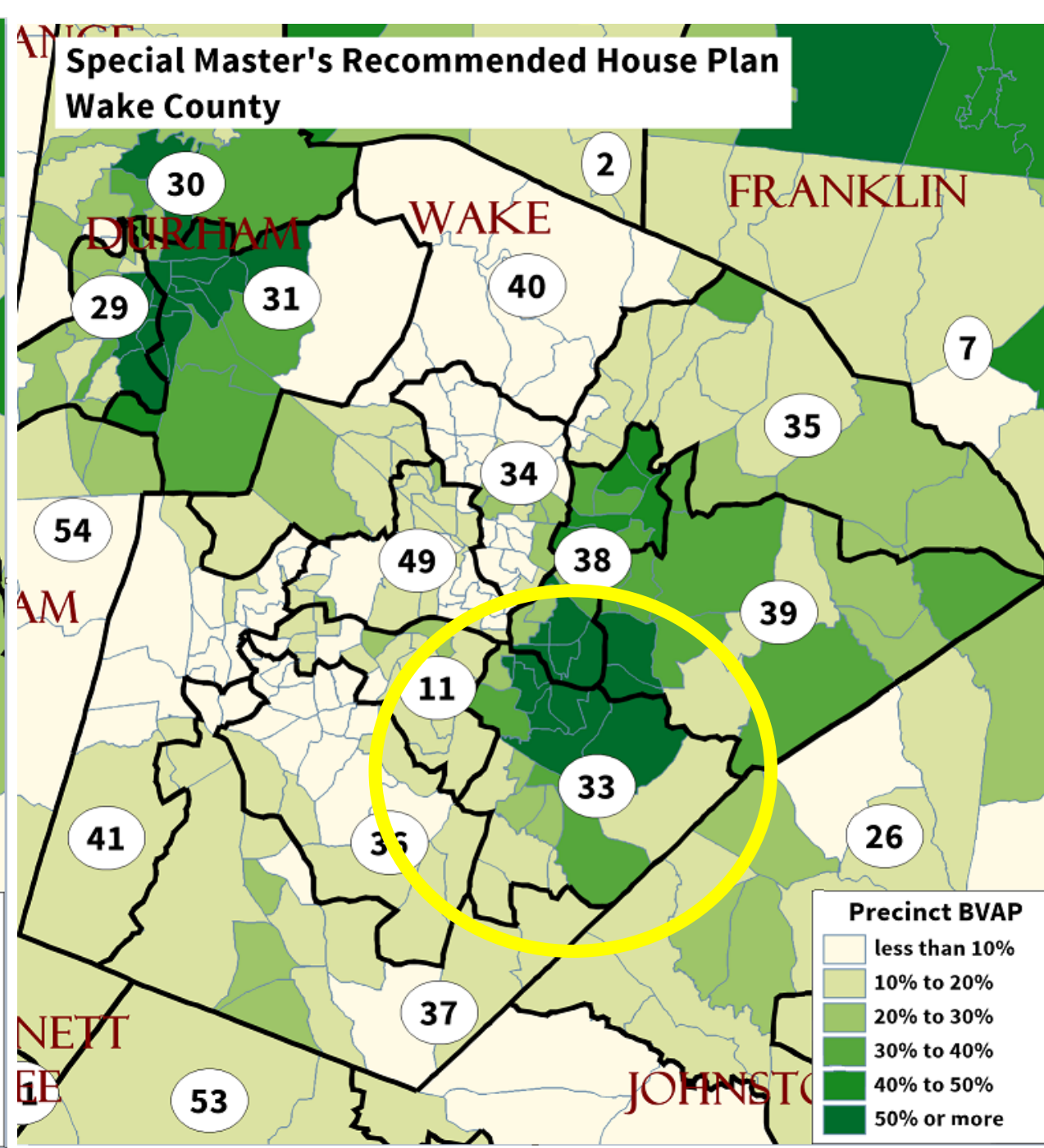
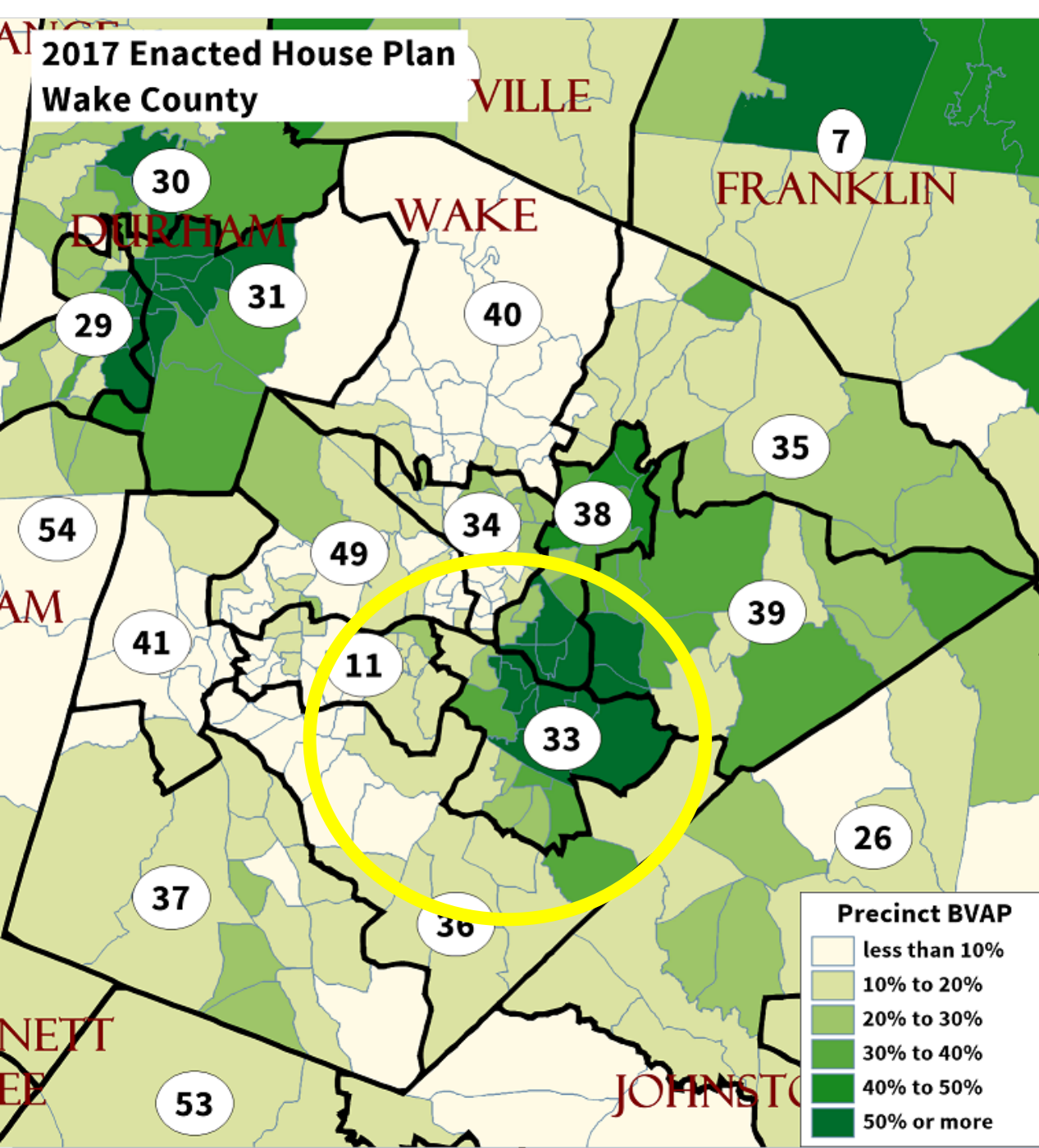


Wake County House Districts 2011 and 2017





Changes from Draft Plan
made in response to
Plaintiffs' Suggestions:
Small changes were made to
Districts 34, 40, and 49 to
unpair incumbents and
ensure that the Court-
ordered 2011 districts were
reinstated.



Response to Allegation of Racial Targeting

1. Special Master was made aware of district demographics from the outset: Record in the case (filings by Plaintiffs and Defendants) identifies relevant districts and areas within districts by race.
2. Analysis of the districts demonstrated that the 2017 Enacted Subject Districts tracked African American populations and excluded White areas.
3. Strategy to resolve the racially gerrymandered districts was to adopt compact districts of whole precincts that largely followed political subdivision lines – *which did not replicate the shape of the districts the Court identified as constitutionally infirm.*
4. **However, no racial targets were sought or achieved.**

Senate Plan BVAP% Comparison

District	Enacted 2017 BVAP	Recommended Plan BVAP
28	50.5%	43.6%
21	47.5%	42.1%
19	26.0%	31.7%
24	18.7%	19.6%
27	12.7%	18.3%

} Alleged range

1. District 33 falls outside alleged range.
2. Enacted 2017 District 21 was already within alleged range.

House Plan BVAP% Comparison

District	Enacted 2017 BVAP	Recommended Plan BVAP
33	44.2%	45.1%
61	11.5%	40.3%
21	42.3%	39.0%
57	60.8%	38.4%
22	28.2%	31.5%
92	30.2%	27.9%
59	22.2%	18.8%
11	14.3%	16.5%
35	15.6%	16.2%
37	14.3%	13.8%
49	12.8%	13.3%
34	15.8%	13.1%
62	14.0%	11.5%
40	7.7%	9.8%
105	8.3%	9.5%
103	7.7%	8.1%
36	9.2%	7.7%
41	8.1%	7.4%
104	6.2%	6.8%

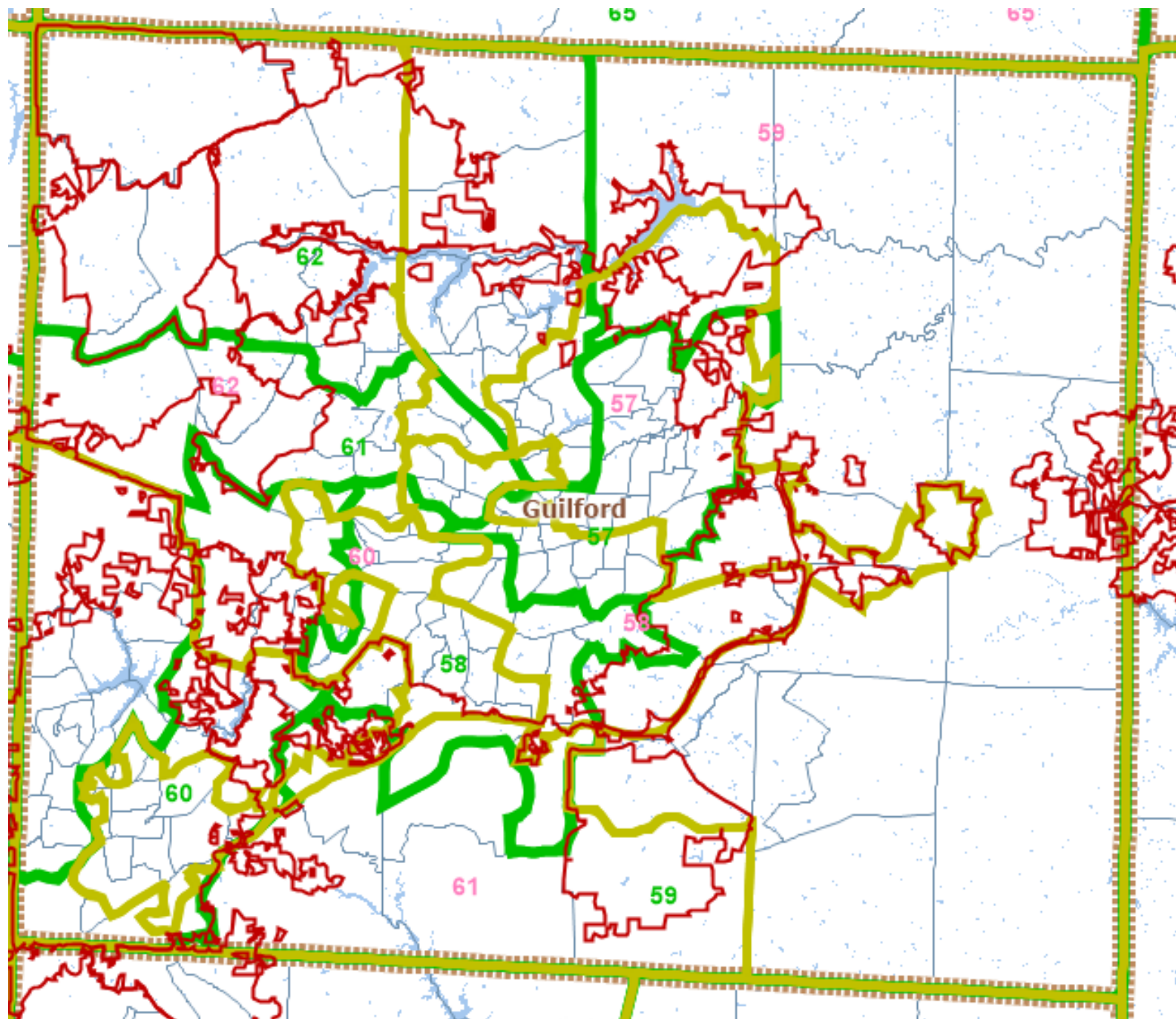
} Alleged range

Summary of Recommended Plan

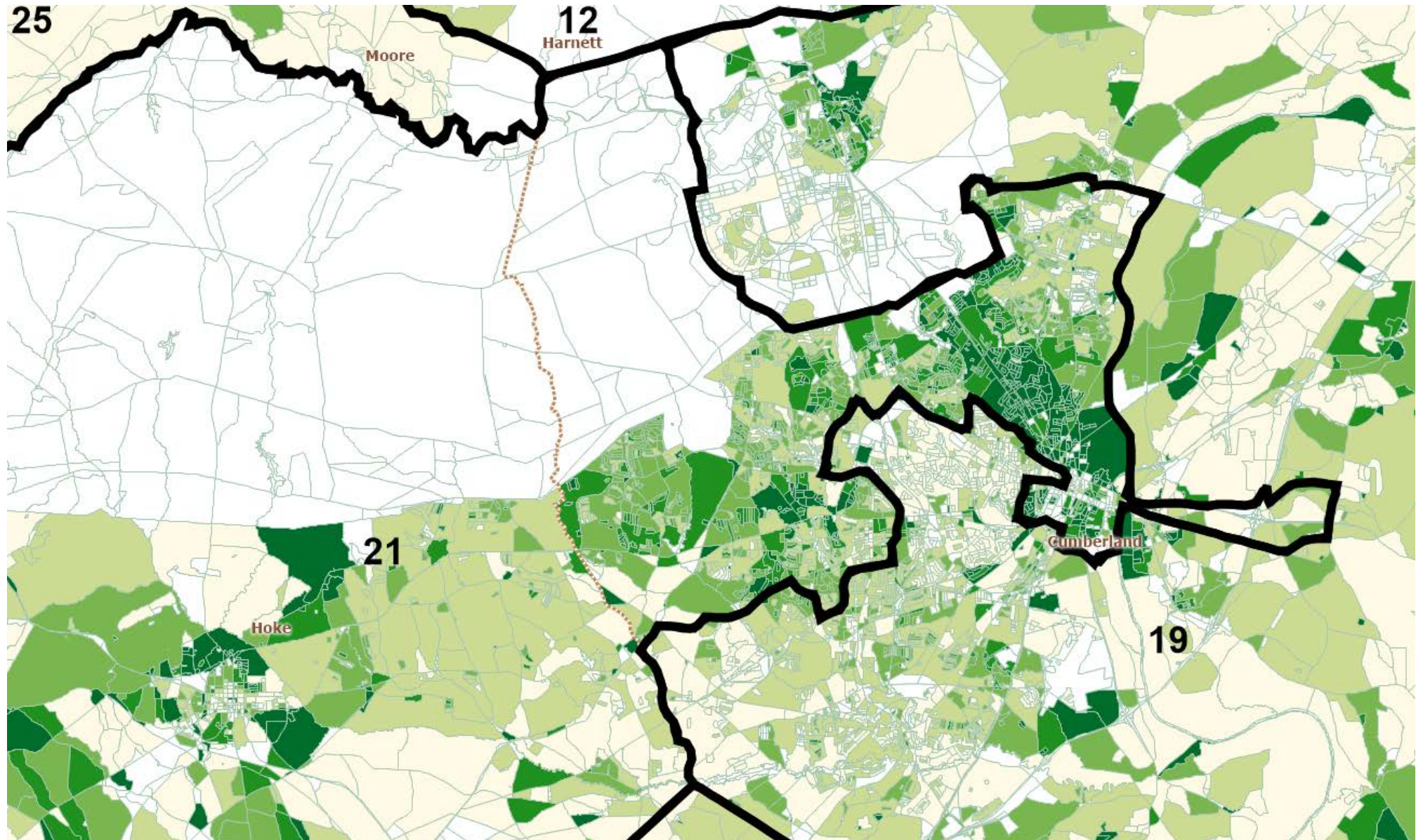
- ✓ Remedies the identified violations of the N.C. and U.S. Constitutions
- ✓ Complies with the applicable law:
 - ✓ One person, one vote
 - ✓ *Shaw v. Reno*
 - ✓ State constitutional requirements
- ✓ Superior to existing districts on:
 - ✓ Compactness
 - ✓ Precinct splits
- ✓ Considers municipal and precinct boundaries
- ✓ Unpairs all but two incumbents – only as a subsidiary consideration.
- ✓ Avoids consideration of any political data.
- ✓ Accommodates all specific concerns voiced by parties to the draft plan.
- ✓ Provides several alternative plans for consideration.

CONCLUSION

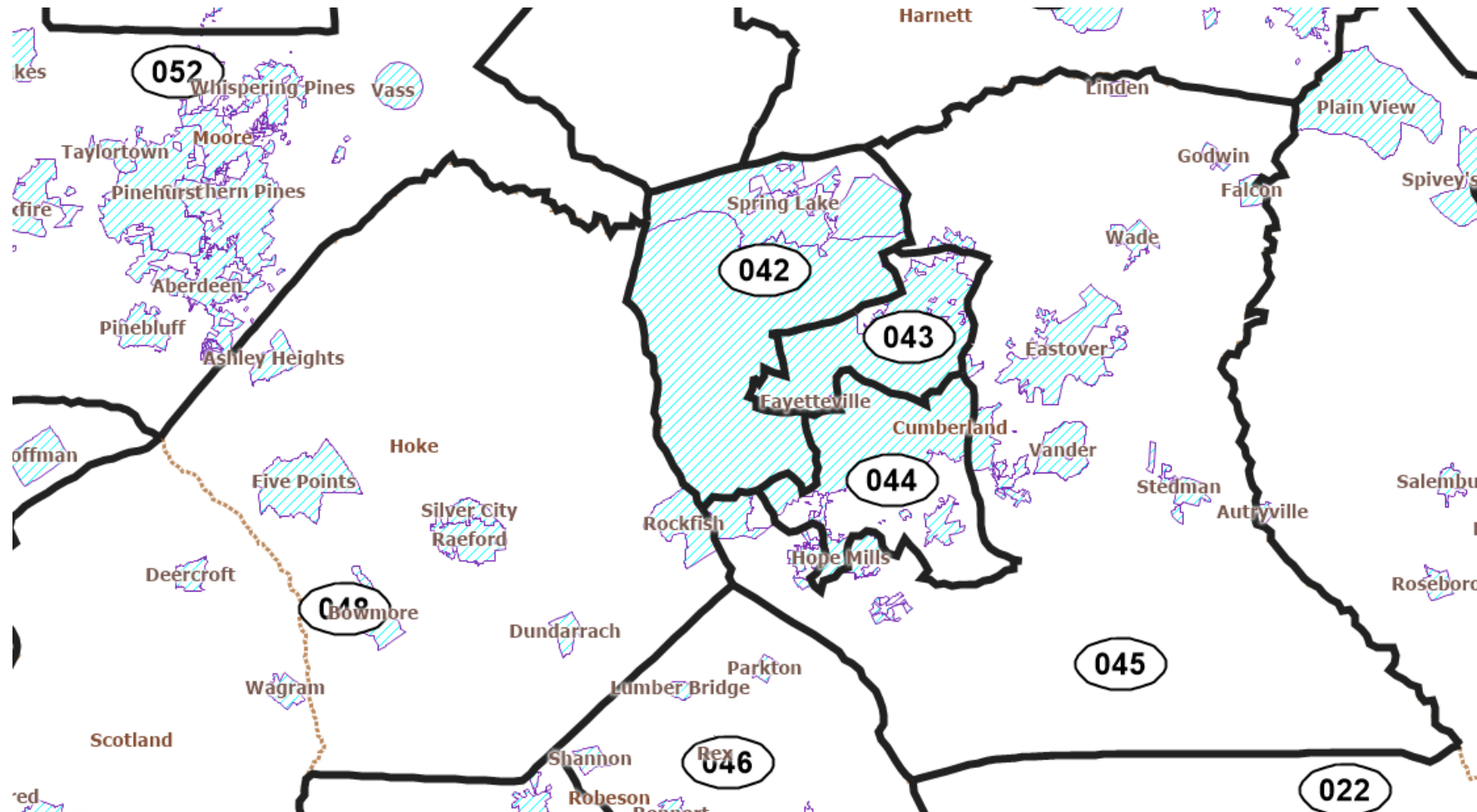
Additional Slides



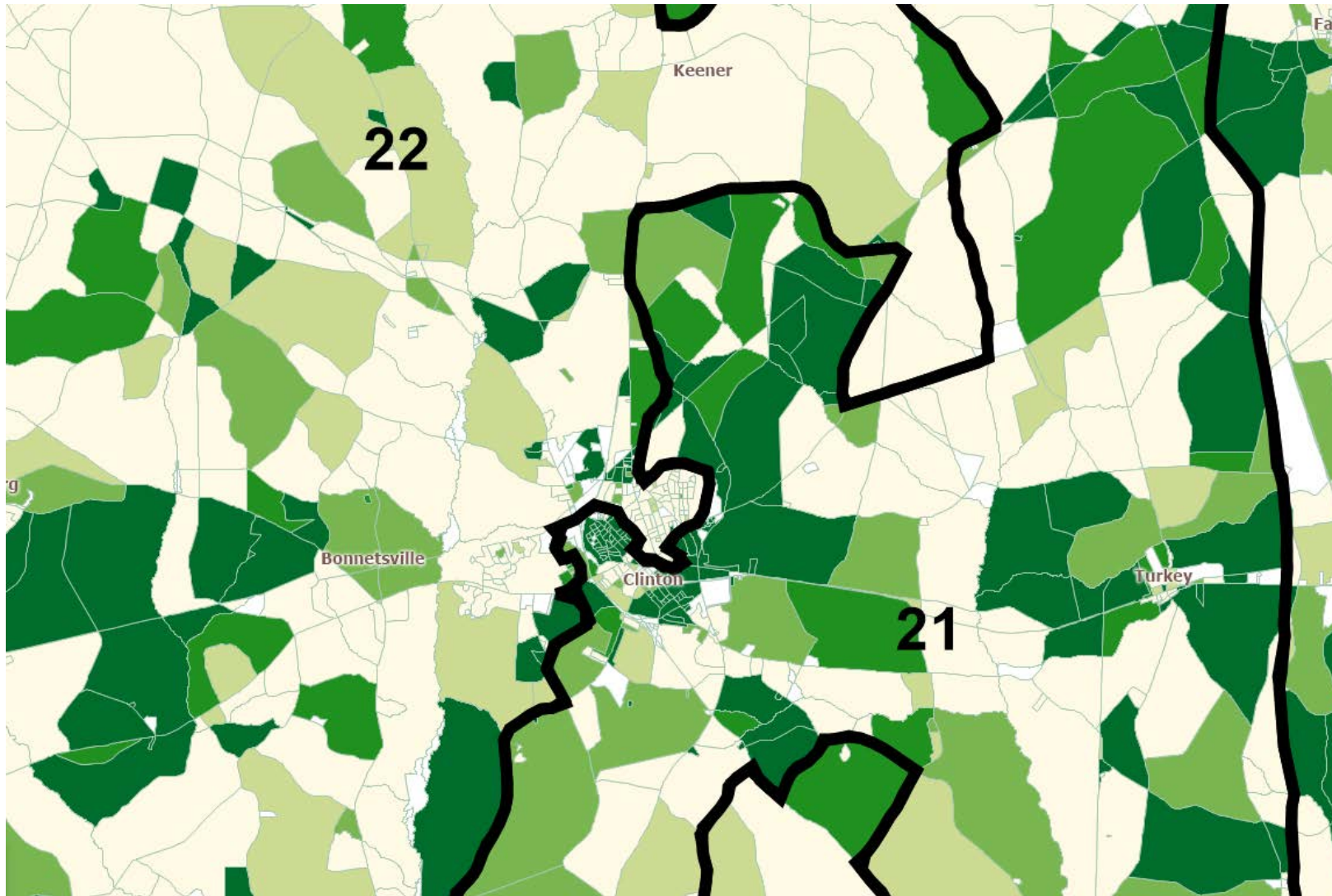
Census Block BVAP% in Enacted 2017 Senate District 21



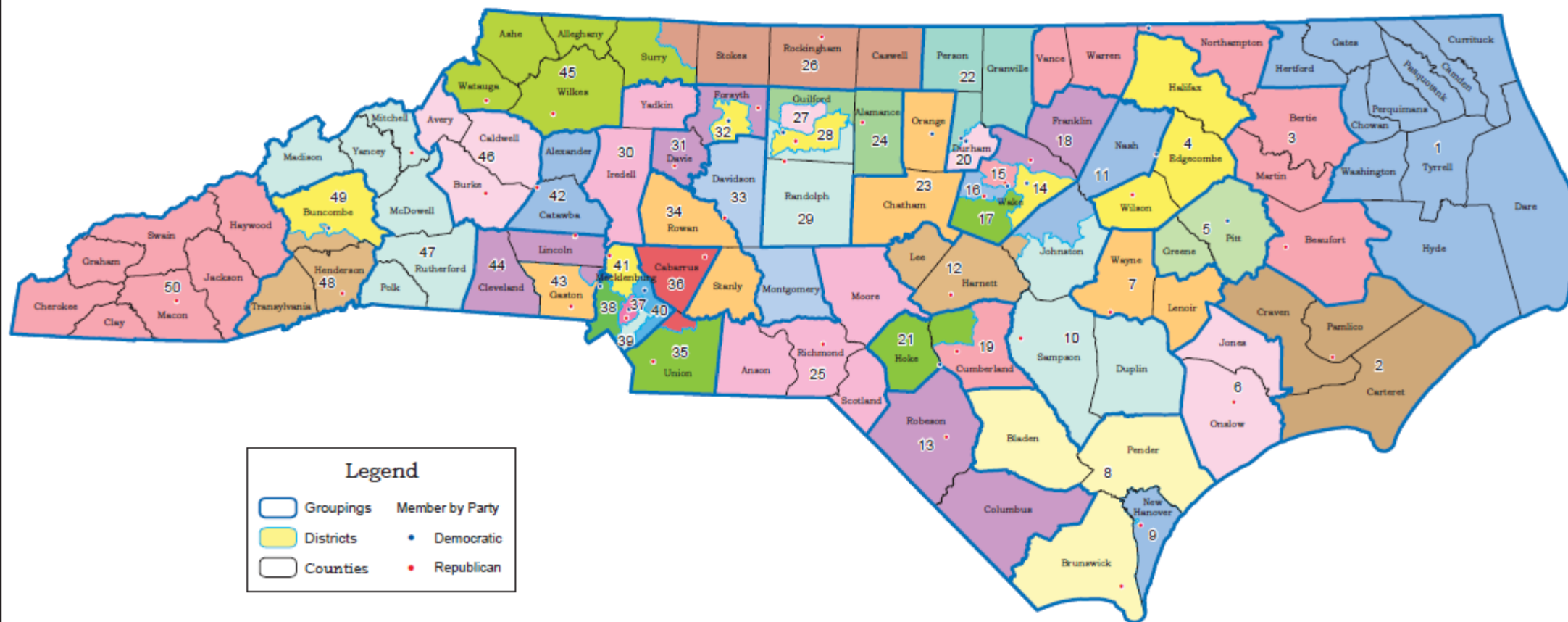
2017 House Districts for Hoke and Cumberland County



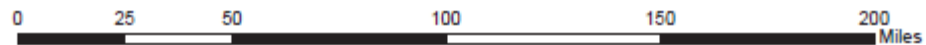
Census Block BVAP% in Enacted 2017 House Districts 21 and 22 – Clinton Portion



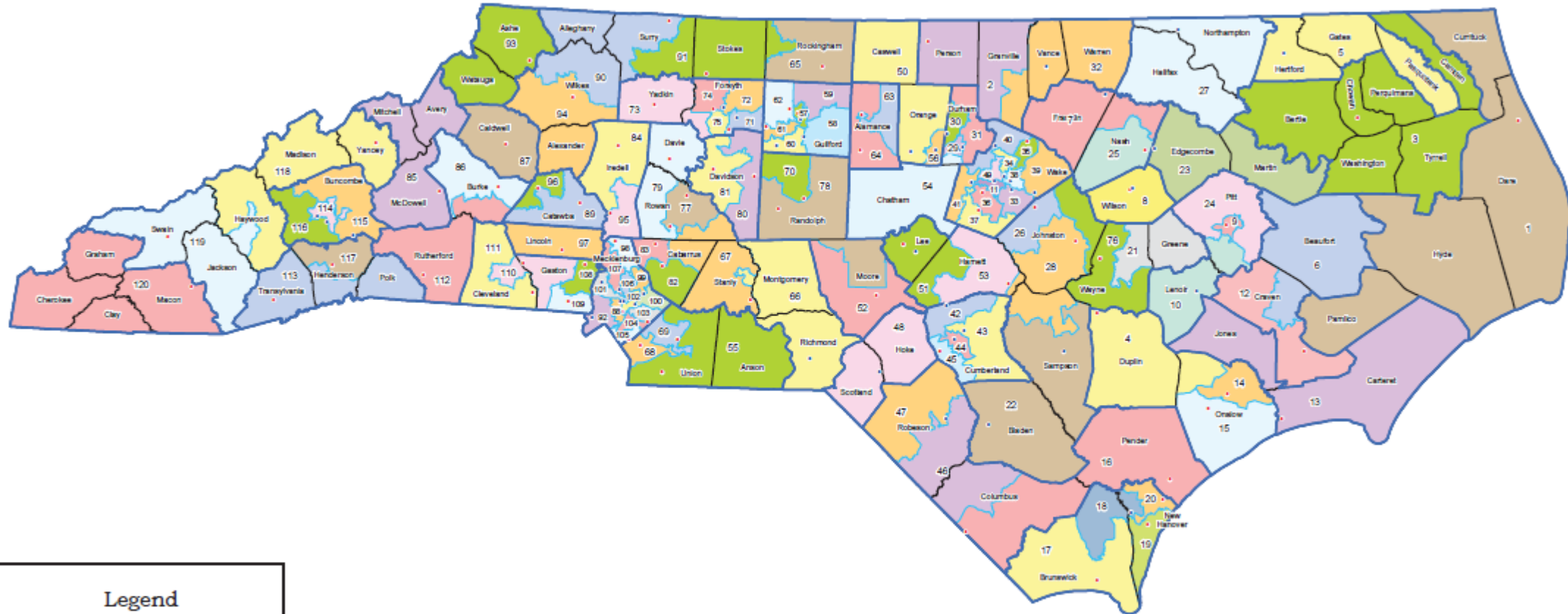
STV-1-Blue-Fair, Legal and Competitive Senate Districts



STV-1



Covington Plaintiffs Proposed House Plan



Legend

- Groupings
 - Districts
 - Counties
- Member by Party
- Democratic
 - Republican



2016 Redistricting Base Data

In February of 2016, an extra legislative session was held to comply with a court order which required the General Assembly to redraw the 1st and 12th congressional districts. All information on this page corresponds with the redistricting database compiled by the General Assembly for that effort.

A large amount of reference data is used to draw political districts. That data can be divided into two main groups: numeric and geographic. The numeric component includes items such as population and election results. The geographic component includes features such as roads, rivers, and political boundaries that can be graphically displayed as features on a map.

The numeric data matches up with the geographic data at several different levels. The main levels of interest in district drawing are counties, voting tabulation districts (VTDs), and census blocks. These three main levels have a nesting relationship. In other words, counties are comprised of VTDs that, in turn, are comprised of census blocks. Each level covers the entire territory of the state, such that there is no point within the state's boundaries that cannot be assigned to each of the three levels.

NUMERIC DATA

1. Population Data - by April 1st of the year following each decennial census, the US Census Bureau provides Public Law 94-171 data to each of the states. This data corresponds with block level geography, the lowest level tabulated by the Census Bureau, and that at which districts are ultimately defined. For the 2016 congressional redraw, only total population and total voting age population values were used from this dataset.
2. Election Returns Data - provided by the State Board of Elections. Election results from twenty statewide contests are included in this database, coming from the 2008 through 2014 general elections.

Complete numeric datasets, as processed for use in the General Assembly's redistricting system, are linked below for download. The field key is required to interpret the field headings. See the data processing notes document for technical details. The "block level keys" table is useful for establishing relationships between the different geographic levels. The numeric data is also appended to each of the corresponding geographic layers, available for download in the following section. Note that the General Assembly's redistricting system is census block-based. All data items therefore have to reconcile to that lowest level of geography. Although election returns are available at all geographic levels, they are most reliable at the VTD and county levels since the original data was VTD based.

Field Key	PDF	102 KB
Data Processing Notes	PDF	20 KB
All Tables in an Access Database	ACCDB/ZIP	17 MB
Block Level Keys	TAB/ZIP	1.6 MB
by County	TAB	43 KB
by Voting Tabulation District	TAB/ZIP	344 KB
by Census Block	TAB/ZIP	6.2 MB
by Census Block Group	TAB/ZIP	668 KB
by Census Tract	TAB/ZIP	291 KB
by Municipality (Census Place)	TAB	174 KB

GEOGRAPHIC DATA

The geographic data in the General Assembly's redistricting system is based on the 2010 TIGER/Line Shapefiles provided by the US Census Bureau. Below are links to various statewide layers derived from that dataset. These files are intended for use with Geographic Information System (GIS) software. Layers are projected in NC State Plane, NAD83, meters.

Administrative Areas (cities, townships, etc.)	GDB/ZIP	11 MB
Assignment Layers (counties, VTDs, blocks)	GDB/ZIP	156 MB
Census Features (tracts, block groups, landmarks)	GDB/ZIP	27 MB
Infrastructure (roads, rail, power lines)	GDB/ZIP	102 MB
Natural Features (rivers, lakes, pipelines)	GDB/ZIP	54 MB

NCGA Division Links

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- Legislative Drafting Division
- Program Evaluation Division
- Legislative Analysis Division
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Complete numeric datasets, as processed for use in the General Assembly's redistricting system, are linked below for download. The field key is required to interpret the field headings. See the data processing notes document for technical details. The "block level keys" table is useful for establishing relationships between the different geographic levels. The numeric data is also appended to each of the corresponding geographic layers, available for download in the following section. Note that the General Assembly's redistricting system is census block-based. All data items therefore have to reconcile to that lowest level of geography. Although election returns are available at all geographic levels, they are most reliable at the VTD and county levels since the original data was VTD-based.



Field Key	PDF	102 KB
Data Processing Notes	PDF	20 KB
All Tables in an Access Database	ACCDB/ZIP	17 MB
Block Level Keys	TAB/ZIP	1.6 MB
by County	TAB	43 KB
by Voting Tabulation District	TAB/ZIP	344 KB
by Census Block	TAB/ZIP	6.2 MB
by Census Block Group	TAB/ZIP	668 KB
by Census Tract	TAB/ZIP	291 KB
by Municipality (Census Place)	TAB	174 KB

GEOGRAPHIC DATA

The geographic data in the General Assembly's redistricting system is based on the [2010 TIGER/Line Shapefiles](#) provided by the [US Census Bureau](#). Below are links to various statewide layers derived from that dataset. These files are intended for use with Geographic Information System (GIS) software. Layers are projected in NC State Plane, NAD83, meters.



Administrative Areas (<i>cities, townships, etc.</i>)	GDB/ZIP	11 MB
Assignment Layers (<i>counties, VTDs, blocks</i>)	GDB/ZIP	156 MB
Census Features (<i>tracts, block groups, landmarks</i>)	GDB/ZIP	27 MB
Infrastructure (<i>roads, rail, power lines</i>)	GDB/ZIP	102 MB
Natural Features (<i>rivers, lakes, ridgelines</i>)	GDB/ZIP	54 MB